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TOWN OF MILLS

ORDINANCE NO. 742

AN ORDINANCE REPEALING THE EXISTING TITLE 8 OF THE MILLS MUNICIPAL CODE DEALING WITH HEALTH AND SAFETY AND REPLACING IT, IN ITS ENTIRETY, WITH A NEW CHAPTER 8 DEALING WITH HEALTH AND SAFETY

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERING BODY OF THE TOWN OF MILLS, WYOMING, THAT THE MILLS MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:

The following text attached hereto is adopted in it is entirety, on the date set forth below, and which, further repeals, in its entirety, Title 8 of the Mills Municipal Code, that existed prior to the date below listed, with the newly adopted ordinance, which replaces Title 8 of the existing Mills Municipal Code in the form attached hereto.

PASSED ON FIRST READING ON THE 14th DAY OF April 2020.

PASSED ON SECOND READING ON THE 28th DAY OF April 2020.

PASSED, AND APPROVED AND ADOPTED ON THIRD AND FINAL READING ON THE 26th DAY OF May 2020.



Seth Coleman, Mayor


Christine Trumbull, Town Clerk


Darla, R. Ives, Council


Sara McCarthy, Council


James Hollander, Council


Ronald Wales, Council



TITLE 8
HEALTH AND SAFETY

Chapters:

- 8.01 General Provisions
- 8.02 Fires and Burning
- 8.03 Fireworks
- 8.04 Flammable Liquids
- 8.08 Private Intrusion Alarms
- 8.09 Child Care Facilities
- 8.10 Noise
- 8.11 Solid Waste Disposal and Management
- 8.12 Wrecked and Disabled Vehicles and Junk
- 8.13 Litter Control
- 8.14 Infectious Waste
- 8.15 Weed and Pest Control
- 8.16 Rodent Control
- 8.17 Privies
- 8.18 Hazardous Materials and Hazardous Waste
- 8.20 Property Maintenance and Nuisance Abatement Requirements
- 8.30 Abatement of Dangerous Buildings

CHAPTER 8.01
GENERAL PROVISIONS

8.01.010 General Provisions

The following provisions of Title 8 of the Town Code of the Town of Mills, Wyoming, are enacted in order to provide for the general health, welfare, and safety of the residents of the Town of Mills, Wyoming.

8.01.020 General Definitions

Wherever used in this Title, the following terms shall have the following definitions.

“Building Officials” shall refer to building inspectors and such individuals as may be designated to act as Building Officials for the Town of Mills.

“City” or “Town” refer to the Town of Mills, Wyoming, irrespective of Mills classification as a municipality under the laws of the State of Wyoming.

"Community Service Officer": Community Service Officer shall mean the same as Code Enforcement Officer unless and until such time as the Town Council may establish a separate Community Service Department with its own officers.

"Health Officer" means Community Service Officer, Code Enforcement Officer or any other individual designated by the municipality to act in this capacity.

"Property" means any real property within the Town, or any Town property within or without the corporate limits which is not a street or highway.

"Occupier" and "Occupant" shall mean that person(s) actually occupying real property or a premises

"Owner" or "property owner" shall mean that person(s) shown in Natrona County tax records to be the recorded owner of real property. In the case of a landlord-tenant situation, regardless of any written lease, the landlord shall be solely liable for any violation maintained on the real property or other locations specified by this chapter. It shall also mean means the owner, agent or custodian of a business building whether individual, partnership or corporation. The lessee of any business building shall be considered an owner for the purpose of this Title when the lease under which he holds possession requires him to maintain and repair the building. In the case of the fee ownership of real property, it shall mean the Record Title Owner as set forth in the Natrona County tax records as set forth above. In the case of physical property, it shall mean the title owner or apparent owner.

"Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights and duties.

"Street", "Highway", or "Alleyway" means the entire width between the boundary lines of every way publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

"Vehicle" means a machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners or slides and transport persons or property or pull machinery, and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon, or any part or portion thereof.

8.01.020 Penalty for violations of this Title.

Except where otherwise specifically provided for in this Title and in every Chapter hereof the penalty for the violation of any section of this Title shall be that set forth for under Title 1 for general penalties. For each day in which a violation of a provision of Title 8 occurs the same shall be regarded as a new offense. Every section of this Title, unless it is otherwise provided for in the Title, is presumed to be subject to this provision.

Where applicable, the general penalties provision of Title 1 may be deemed to be in addition to any other remedy or penalty set forth in any section of this Title, except where the same would render inconsistent results.

8.01.010 - Displaying street address required.

To aid in the prompt response to medical and other emergencies, each dwelling, and each business or commercial building shall prominently display the street address officially designated by the Mills planning department in accordance with the provisions of the Mills Municipal Code.

CHAPTER 8.02
FIRES AND BURNING

8.02.010 Burning prohibition.

A burn permit shall be required to burn items within the city limits except fire wood, charcoal, or LP or natural gas fuels that are contained within a designed fire pit, grill, or professionally engineering containment that has a capacity of less than 3 feet in diameter and is equipped with a spark arresting device. Small bon fires of greater than 2 feet by 3 feet may not be within 25 feet of a structure and must follow all burn restrictions established within the Town of Mills. Burning of any other items or volumes will be established through burn permit regulations.

Burn permit shall be issued in accordance with the direction of the “Fire Chief” and required for a controlled burn, bon fire or uncontained burn within the incorporated district of the Town.

CHAPTER 8.03
FIREWORKS

8.03.010 -- Prohibitions.

Except as otherwise provided in this chapter, it is unlawful for any person to barter, sell or give away to any person within the city any firecracker or other form of fireworks as defined in Section 35-10-201 of the Wyoming State Statutes.

Except as otherwise provided in Section 8.03.020 of this chapter, no person shall fire, explode or use any of the things prohibited in this section within the town.

8.03.020 - Authorization of Public Fireworks Displays.

The “Fire Chief”, with concurrence from the Mayor, or the Town Council upon resolution, may authorize public displays of fireworks; provided, that the manner and time of such displays shall meet with the requirements set forth in W.S. § 35-10-203.

8.03.030 - Application fees; waiver of fees.

(a) Each person or organization applying for a fireworks permit shall submit written application on forms provided by the city with payment of the permit fee in the amount of twenty-five dollars (\$25.00) to the city clerk. Said fees shall be nonrefundable.

(b) The Town Council may authorize the Mayor or his designee to waive the application fees for community-wide fireworks display events.

CHAPTER 8.04
FLAMMABLE AND COMBUSTIBLE LIQUIDS

8.04.010 - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Gasoline" means any product of petroleum or any hydrocarbon liquid that will flash or emit an inflammable vapor below the temperature of one hundred degrees Fahrenheit (100°).

(b) "Gas station" means a property used for the retail sale of gasoline, diesel fuel, oil, or other fuel for vehicles and which may include, as incidental accessory uses, the retail sale of vehicle accessories, minor vehicle repair facilities, a convenience store, and a carwash.

(c) Combustible liquids are all liquids which have a flash point of greater than Fahrenheit (100°), classified as Class II or Class III.

(d) Storage of combustible and flammable liquids and aerosols will be in compliance with NFPA or IFC requirements as adopted. All flammable and combustible liquids will be stored in the appropriate containers and quantities according to NPA standards.

8.04.020 - Storage of Inflammable Liquids—Door regulations at service stations.

(a) It is unlawful for any person to keep for sale or store any gasoline, kerosene, naphtha, distillate, fuel oil, crude oil or other inflammable and combustible liquids within the corporate limits of the town, except in accordance with the rules and regulations of the National Board of Fire Underwriters, and subject to the written approval first being had and obtained from the town council.

(b) No door, except overhead doors, on the premises of any of the gasoline service stations mentioned in this article shall be equipped with a snap locking device, in addition to the regular door handle, and all doors for the exit and entrance of persons shall have only one (1) door knob or other device which will permit anyone inside the building to open the door in the case of emergency with the use of only one (1) hand.

(c) Storage of flammable and/or hazardous substances shall comply with the requirements of Section 6.18 of the Unified Land Development Code.

8.04.030 Propane and Liquefied Natural Gas

Propane (LPG) or Liquefied Natural gas (LNG) shall be stored in compliance with NFPA standards. Quantities, storage protection measures and distances from structures and property lines will conform to the standards adopted at the time of development. All installation will comply with current adapted codes. Any changes to the delivery or storage will require adherence to the current code restrictions and where otherwise allowable by code.

8.04.050 - Containers for storage of inflammable products.

It is unlawful for any service station to keep for sale or to store any inflammable or combustible liquids on the premises of such station, unless the same is kept and stored in a sealed metal container or in a container that is metal and equipped with a screw-type opening and closing device, which device shall be tightly closed. Nothing in this section shall prohibit the storing of such products in approved tanks.

8.04.060 - Maximum quantity of inflammable liquids to be stored.

No person shall keep, keep for sale or store any gasoline or other inflammable or combustible liquids as described in the previous section at any one (1) location in quantities greater than eighteen thousand (18,000) gallons of all types of such liquids with a maximum tank size of 6,000 gallons, Tank battery must be separated each location having a separation of at least 25 feet, and be self-contained. The total accumulation of materials may not exceed NFPA or IFC standards. No such tanks and containers shall have more than a maximum capacity in excess of six thousand (6,000) gallons, and all such tanks within the corporate limits of the town. Tanks may not be within 25 feet of an occupied building or fuel dispensing location. Tanks larger than 6,000 gallons shall be buried at least three (3) feet underground and in compliance with the requirements of the National Board of Fire Underwriters. Current operations will be grandfathered in under this clause provided the current operation does not expand or have a break in service or where otherwise allowed by code.

8.04.070 - Method for selling inflammable products.

It is unlawful for any gas station or bulk plant dealer in inflammable and combustible petroleum products to sell the same unless such product is sold and delivered in a metal container designed and marketed for that purpose.

CHAPTER 8.08
PRIVATE INTRUSION ALARMS

8.08.010 Title Designated

This chapter shall be referred to as the "Private Intrusion Alarm Ordinance."

8.08.020 Purpose-Scope

The purpose of this chapter is to set forth regulations governing private intrusion alarm systems within the Town; to reduce the dangers and diversions of false alarms; to require registration of alarm systems and encourage alarm users to maintain their systems in good working order, and to use them properly; and to provide the authority to establish fees.

8.08.030 Definitions

For the purpose of this chapter, certain terms used in this chapter are defined as follows:

(a) "Alarm Business" means any person operating for any consideration who is engaged in the installation, maintenance, alteration or servicing of alarm systems or who responds to such alarm systems. Any individual of such business who performs installation, maintenance, alterations or servicing of alarm systems shall be licensed by the Town as a certified alarm technician.

(b) "Alarm System" means an assembly of equipment and devices arranged to signal the presence of any condition upon premises within the Town to which the police division normally responds. The term "alarm system" shall include equipment which is designed to detect an emergency, or which is designed to be activated by a person to report an emergency. Alarm systems include, but are not limited to, local alarm systems, direct connection systems, central station alarm systems and automatic telephone dialing systems. Alarm systems shall not include audible alarms affixed to automobiles.

(c) "Alarm User" means any person who owns, leases, is the agent of the owner or lessee of, or otherwise is in possession or control of a premises on which an alarm system has been installed and operates.

(d) "Audible Alarm System" means an alarm system which is capable of being heard in and out of doors when it is activated.

(e) "Automatic Dialing Alarm System" means an alarm system which utilizes a device which automatically transmits a pre-recorded message over telephone lines to a number in the Town's communications center.

(f) "Certified Alarm Technician" means a person holding the current and up to date designation or certification by the National Burglar and Fire Alarm Association, Inc., or equivalent national burglar alarm trade organization or alarm equipment manufacturers.

(g) "False Alarm" means an alarm system resulting in a response by the police division when an emergency does not exist. An alarm shall be presumed false if the responding officer(s) do not locate any evidence of an intrusion or of the commission of an unlawful act or emergency on the premises which might have caused the alarm to sound. Alarms caused by earthquakes, hurricanes, tornadoes or other violent acts of nature, shall not be deemed false alarms. Violent acts shall be determined by the on-duty police supervisor.

(h) "Local Alarm System" means an alarm system which is operated by the user who is normally responsible for its operation. The alarm signal is audible only inside the premises.

(i) "Non-Response" means a status designated in accordance with the procedures of this chapter under which the police division will not respond to an alarm until and unless the alarm user, following the transmitting of an alarm, confirms that the alarm is not a false alarm.

(j) "Person" includes an individual, partnership, unincorporated association or corporation or any other legal entity.

(k) "Premises" means any land or building located within the Town.

(l) "PSCC" means public safety communications center.

8.08.040 Registration of Alarm Users and List of Responsible Persons

(a) No later than January 1st, of each year, except as provided in Section 8.08.070, new alarm users shall register with the Clerk's Office by filling out a registration form listing their home address, and business and residence telephone numbers. In addition, the alarm user shall provide the administrative services department with a list of persons responsible for the premises protected by the alarm system. This list shall contain at least three names, one of which may be that of the alarm business maintaining the alarm system. This list shall be kept current by the alarm user and shall supply home and business telephone numbers of responsible persons. The alarm owners shall contact the administrative services department with any changes to their registration.

(b) Upon request by the police division, the alarm user, or a responsible party, shall proceed to the scene of the alarm within twenty-five minutes of notification, and render any necessary service. Such service may include, but not be limited to, opening the premises so that the premises may be searched by responding Police Officers.

(c) Nothing in this section shall prohibit the Mills Police Department from taking any reasonable action necessary for investigative purposes.

8.08.050 Alarm Systems-Standards

All alarm systems shall conform to the applicable provisions of the Town ordinances.

8.08.060 Automobile Alarms Exempted

The provisions of this chapter shall not apply to audible alarms affixed to automobiles.

8.08.070 Private Alarm Users

Nothing in this chapter shall prohibit any individual from owning and operating and installing any silent alarm system which operates directly to that individual. However, all sections of this chapter relating to penalties and service charges for false alarm response by the Mills police division shall be applicable.

8.08.080 Regulation of Alarm System Reporting Methods

It is unlawful to report, or to maintain an alarm system which reports, any alarm activation in any manner not approved by the Police Chief or his designee. The Chief of Police is the sole authority in approving reporting methods. Reporting methods will be under regular review and revision to work in the best interests of the Town. Nothing in this section prohibits the use of a telephone to verbally convey alarm activations to the PSCC.

8.08.090 Back-Up Power Supply

Any alarm system installed within the Mills Town-limits after the effective date of the ordinance codified in this chapter, shall be supplied with an uninterrupted back-up power supply in such a manner that the failure or interruption of the normal electric utility service will not activate the alarm system. The back-up power supply must be capable of at least four hours of operation.

8.08.100 Alarm Tests

An alarm user shall notify the alarm company prior to any service, test, repair, maintenance, adjustment, or installation of an alarm system which would normally result in a police response. Any alarm activated, where such prior notice has been given, shall not constitute a false alarm.

8.08.110 Prohibition against Alarm Systems Which Emit False Alarms

No alarm user shall operate or maintain an alarm system which emits false alarms in violation of this chapter.

8.08.120 Limitations on Audible Alarm Systems

It is unlawful to operate a private intrusion alarm system which does not shut off audible enunciation (siren, horn, bell, etc.) within a maximum time of fifteen minutes from the time of activation. Fees for violation of this section shall be established by resolution of the Town council.

8.08.130 Non-Response Status

(a) False Alarms. After the Mills Police Department has recorded more than ten false alarms within any calendar year, and after the alarm user has been notified by first-class mail that the false alarms have been activated, the chief of police, or authorized designee, may authorize that the alarm user's site be put on non-response status. The non-response status effective date will be fifteen days from the date of mailing of the notification. From that time on, the Mills Police Department will not respond to any alarm from that alarm user's site until such time as the Mills Police Department is satisfied that adequate measures, including an inspection certification by a certified alarm technician, shall have been taken to correct any problem causing the false alarms, or until the alarm user or their representative confirms that the alarm is not a false alarm. Once the Mills Police Department has approved the measures taken to eliminate the problem causing the false alarm, the department shall reassume response to the alarm user's site.

(b) Collection of Fees. Any alarm user who fails to pay any and all fees as required by this chapter shall have their alarm system placed on a non-response status. The non-response status shall become effective after the Town has notified the alarm user, by first class mail, that any fees required to be paid by this chapter are due under the Town's general billing and collection policy. The chief of police, or authorized designee, shall be responsible for placing the user on a non-response status. The alarm system shall be reinstated to response status upon payment of the required fees.

8.08.140 Disconnection of Alarm Systems

(a) If the user of an audible alarm system has been placed on a non-response status due to excessive alarms as referred to in Section 8.08.130, or causes, permits or allows his or her audible alarm system to operate in violation of any provision of this chapter, and does not take adequate measures to correct the problem or violation, the public safety director may order that the audible alarm be disconnected and no longer operated. This order shall be necessitated by the nuisance caused to a neighborhood by an audible alarm system. No disconnection order shall be effective until fifteen days from the date of mailing a notice of disconnection to the alarm user. This order may be appealed as provided in Section 8.08.150.

(b) In an emergency situation after reasonable means have been exhausted to contact the alarm user or the alarm business, the Mills Police Department may order the disconnection of a continuing audible alarm. This may require the contacting of an alarm business to disconnect an alarm at the alarm user's expense.

8.08.150 Appeal

An alarm user whose alarm system has been placed on non-response status or is proposed to be disconnected by the Mills Police Department, may appeal that decision.

(a) Letter of Appeal. Such alarm user must file a letter of appeal with the Mills Police Department within fifteen days of the mailing of the letter of notification. While the appeal is pending, the alarm user shall not be placed on non-response status, nor shall that user's alarm system be disconnected.

(b) Setting of Hearing. If the alarm user files a timely letter of appeal, the Mills Police Department shall set a time and place for a hearing on the appeal. The date set for hearing shall be no more than fifteen days after the Town's receipt of the letter of appeal. Failure to file a timely letter of appeal shall be a waiver of the alarm user's right to a hearing; however, the Mills Police Department, in its discretion, may set a date for a hearing if there is cause to believe that it might encourage substantial cooperation from the alarm user.

(c) Hearing. At the time and place set for the hearing upon the appeal, the Mills Police Department, or a designee, shall hear evidence from the appellant and/or any other interested party, as to whether non-response status or disconnection should be imposed. The burden of proof shall be upon the appellant to show that there was no substantial evidence to support non-response status or disconnection.

(d) Decision. Within forty-eight hours after the conclusion of the hearing, the Mills Police Department, or a designee, shall render a decision on the appeal. The decision shall be final. Notification of the decision shall be mailed to the appellant within three days of the decision. If the appeal is denied, the notification shall inform the alarm user of the exact date that non-response status or disconnection shall commence, which shall in no event be sooner than five days after notice of the decision has been mailed.

8.08.160 False Alarms Service Charges

(a) When the Mills Police Department responds to a false alarm, the alarm user shall be assessed a false alarm service charge. The service charges and collection procedures shall be established by resolution of the Town council.

(b) Service charges shall be due and payable after the occurrence of the false alarm and are delinquent thirty days after notification of the service charge.

(c) Debt to Town. All fees and charges levied pursuant to this chapter shall constitute a valid and subsisting debt in favor to the Town, and against the alarm user for whom services were rendered. If the amount remains unpaid, a civil action may be filed with the appropriate court for the amount due together with any penalties, and related charges and fees accrued due to nonpayment and all fees, costs, expenses and charges required to file and pursue such civil action, including reasonable attorney's fees.

(d) No business license shall be renewed to any user with an outstanding debt under this chapter.

(e) The alarm user may follow the appeal process set forth in Section 8.08.150 when disputing false alarm service charges.

8.08.170 Limitations on Automatic Dialing Alarm Systems

(a) After the effective date of this chapter, it is unlawful for automatic dialing alarm systems to dial any Town number to report an alarm.

(b) Until the effective date of this chapter, when automatic dialing will be prohibited, all such systems shall comply with the following regulations:

(i) Automatic dialing alarm systems shall be prohibited from dialing 911, but will dial a special number installed by the Town for the purpose of receiving such alarms. In no case shall the telephone dialing device dial any other telephone number assigned to the Town or any telephone number which terminates at the PSCC.

(ii) An automatic dialing alarm system, after sending a prerecorded message to the PSCC, shall select a telephone line to one or more of the names on the list of responsible persons for the alarm user and transmit the same prerecorded message.

- (iii) This cycle may be repeated once, after which the dialing device shall shut off and release the telephone line it has dialed.

CHAPTER 8.09
CHILD CARE FACILITIES

8.09.010 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Certificate" means the authority to carry on and operate a child caring facility, issued by the Wyoming Department of Health and Social Services, and operating as the agency which issues certificates, makes inspections (or causes same to be made), enforces the standards, and handles all administrative details affecting the enforcement of state statutes relating to child caring facilities.

(b) "Children" For the purpose of this chapter, the preschool children of the day-care operator shall be included in the limit set for that type of day-care facility.

(c) "Day Care" means the caring for children under the age of twelve years, out of their home for two hours or more, but less than twenty-four hours a day, for their parents or legal guardian, or at the request of the agency which has responsibility for the child; provided, however, that this definition does not include public or privately operated schools which are licensed or certified by the state as a school.

(d) "DFS" means the Department of Family Services, a division of the Wyoming Department of Health and Social Services.

(e) "Family Day-Care Home" means a facility in which care is provided for three to six children, regardless of age, for part of a day in a family setting.

(f) "Group Day-Care Center" means a facility in which care is provided for twelve or more children, two years of age to under twelve years of age.

(g) "Group Day-Care Home" means a facility in which care is provided for a minimum of seven children, and a maximum of eleven children, under the age of twelve years.

(h) "Infant Day-Care Center" means a facility in which care is provided for twelve or more children who are under two years of age.

(i) "Special Use Permit" means a permit issued by the Town council to a person, granting permission to operate a child caring facility at a particular location.

8.09.020 Operating Standards-License and Certification

No person shall operate a day-care facility within the Town who has not met the standards as set forth in this chapter and does not hold a current health license and a current certificate from the Wyoming Department of Health and Social Services.

8.09.030 Play Area Requirements

(a) All day-care facilities shall provide indoor play areas equal to that required by the Town fire code for each child.

(b) All day-care facilities shall also provide a fenced and outdoor play space consistent with the Wyoming Department of Health and Social Services' standards for each child.

CHAPTER 8.10 **NOISE**

8.10.010 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Ambient Noise" means all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.

(b) "A-Weighted Sound Pressure Level" means sound pressure level as measured with a sound-level meter using the A-weighting network. The standard unit notation is dB (A).

(c) "Decibel" means logarithm and dimensionless unit of measures used in describing the amplitude of sound. Denoted as dB

(d) "Emergency Work" means work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.

(e) "Sound-Level Meter" means an instrument, including a microphone, an amplifier, an output meter and frequency weighting networks for the measurement of noise and sound levels in a specified manner, as per American National Standards Institute Publication S 1.4-1971.

(f) "Sound Pressure Level" means twenty times the logarithm to the base ten of the ratio of the root mean square pressure of a sound to the reference pressure, which is 20×10^{-6} micronewtons per meter squared.

(g) All technical terminology used in this chapter, unless its context otherwise requires, shall be defined in accordance with American National Standard Institute (ANSI) Publication S 1.1-1960, revised 1971, or successor publications.

8.10.020 Loud and Unnecessary Noises-General Regulations

It is unlawful for any person to make, continue to cause to be made or continued, any loud, unnecessary or unusual noise or noises by yelling, singing, whistling, shouting or otherwise, which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any person within the Town. It is unlawful for any person to use, operate or permit to be played, used or operated, any radio receiving set, musical instrument, phonograph or other machine or device for the production or reproduction of sound in any manner that disturbs the peace, quiet and comfort of any person in the Town at any time with a louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of such set, instrument, phonograph, machine or device so as to generate a sound level that can be heard clearly at a distance of more than 30 feet from such building, structure or vehicle and of any time duration, shall be prima facie evidence of a violation of this section.

8.10.030 Exemption for Certain Uses and Activities

The following uses and activities shall be exempt from noise level regulations:

- (a) Noise of safety signals and warning devices;
- (b) Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
- (c) Noises resulting from emergency work or noise levels for which a special permit has been granted as hereinafter provided for.

8.10.060 Special Permit-Application

(a) Applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the Mayor or his duly authorized representative. Any permit granted by the Mayor hereunder shall contain all conditions upon which such permit has been granted and shall specify a reasonable time that the permit may be effective. The Mayor or his duly authorized representative may grant the relief as applied for if he finds:

- (i) That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or
 - (ii) The activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with other subsections of this section; or
 - (iii) That no other reasonable alternative is available to the applicant.
- (b) The Mayor may prescribe any conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood.

8.10.080 Violation-Additional Remedy

In addition to the penalties set out for General Offences in Title 1, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

CHAPTER 8.11 **SOLID WASTE COLLECTION AND DISPOSAL**

8.11.010 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Compostable materials" means refuse materials such as yard trimmings, tree branches, and leaves which are capable of being diverted to the Town compost site.

(b) "Electronics" means components and equipment, such as computers, monitors, keyboards, televisions, cellular telephones and personal devices that contain hazardous materials. Electronics shall be further defined in accordance with the fee schedule resolution adopted by Town council.

(c) "Garbage" means wastes resulting from the handling, preparation, cooking or consumption of foods; wastes from the handling, storage and sale of produce; and any other matter whatsoever that may decompose, become foul, offensive, unsanitary or dangerous to health.

(d) "Litter" or "solid waste" means all of the materials identified as garbage and refuse.

(e) "Recyclable material" means refuse materials that are capable of being diverted from the waste stream and reused.

(f) "Refuse" means combustible and noncombustible discarded materials including, but not limited to, paper, wood, glass, metal and cloth products, weeds, yard trimmings, tree branches, furniture, bedding, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing processes.

(g) "Secured load" means placement of tarp, cloth, netting, rope or any other device that prevents the spread of litter during transportation by any vehicle or trailer operated within the Town limits.

(h) "Unsecured load" means any vehicle, trailer or truck bed that transports materials without utilization of tarps, cloth, netting, rope or any other device that prevents the spread of litter during transportation within the Town limits.

(i) "White goods" means refuse materials such as refrigerators, freezers, washers, dryers and other large home appliances.

(j) "Yard waste" means (also referred to as green waste) grass clippings, leaves, shrubbery cuttings, tree limbs, and other materials accumulated as a result of the care of lawns, vines, shrubbery and trees. Yard wastes shall be further defined in accordance with the fee schedule resolution adopted by Town council. Tumbleweeds, cactus, sagebrush and noxious weeds are not considered yard waste.

8.11.020 Authority and Responsibility

For the protection of health, safety and the general welfare, the Town is authorized to have the exclusive authority and responsibility with the Town limits concerning the adoption of rules, regulations and establishing minimum guidelines and standards for collection and disposal of solid waste as defined in this chapter.

8.11.025 Residential Collection of Solid Waste

(a) The Town shall have exclusive control for the collection and disposal of residential solid waste within the Town limits.

(b) Developed subdivisions annexed into the Town shall be serviced with residential collection exclusively by the Town.

(c) The Town shall have exclusive control for the collection and disposal of residential solid waste within newly annexed undeveloped subdivisions.

(d) The Town shall allow, professional sanitation companies to collect refuse and waste materials for construction and demolition on residential property.

8.11.030 Rules and Regulations

The Mayor or his/her designee is empowered to prescribe such rules and regulations as he/she may deem proper, consistent with this chapter and federal, state and local law, to govern the manner and time for Town collection, removal and disposition of solid waste.

8.11.040 Containers-Specifications and Standards

(a) Residential. All residences located in any area in which collection is by the Town shall have sufficient container capacity to accommodate their normal volume of solid waste between collections. The type, size and number of containers, as prescribed by the Town shall be as follows:

- (i) All solid waste shall be placed in plastic bags which are secured prior to placement in residential refuse containers. Plastic bags used in this manner shall be suitable for storage, transportation and disposal of solid waste without bursting or ripping.

- (ii) No container, other than those supplied by the Town, shall be over forty-five gallons in capacity.
- (iii) A minimum of ninety gallons or .45 cubic yards of weekly disposal capacity shall be required for each dwelling unit.
- (iv) The gross weight of the container and contents shall not exceed fifty pounds except where mechanical lift devices are utilized by a refuse collection truck.

(b) Commercial. All establishments and institutions located in any area in which collection is by the Town or contractors shall have sufficient container capacity to accommodate their normal volume of solid waste between collections. The type, size, and number of containers, as prescribed by the Town, shall be as follows:

- (i) All garbage and refuse shall be placed in metal or plastic containers designed for the receipt of such material and shall be covered in such a manner that the contents are not susceptible to blowing, animal scavenging or fly-breeding. All refuse susceptible to becoming windblown is required to be placed in plastic bags and securely tied prior to being placed in the container. Plastic bags used in this manner shall be suitable for storage, transportation and disposal of solid waste without bursting or ripping during transportation and placement into refuse containers.
- (ii) No container, other than those utilizing mechanical lifting devices shall be over forty-five gallons in capacity or fifty pounds in weight.
- (iii) Residential containers shall be supplied by the Town solid waste division.
- (iv) Commercial dumpsters shall be purchased or leased from the Town solid waste division or supplied by a contractor who provides this service.
- (v) Hospital, medical and drug refuse shall be disposed of in compliance with local, state and federal guidelines.
- (vi) Commercial containers other than barrels must meet the following ANSI requirements: Containers must be able to withstand one hundred ninety-one pounds vertical pull from the leading edge of the empty containers and be able to withstand seventy pounds horizontal pull from the top leading edge.
- (vii) Commercial containers shall have safety markings and be worded as follows: "Notice—Containers must be placed on a flat, level surface." (This must be conspicuously located on each of the two narrow sides of the refuse bin.) "Caution - Do not play on or around." (This shall be placed on three sides of the refuse bin, the front door or slant side and the two narrow sides.)
- (viii) Containers—Condemnation Procedure. Where a container does not meet the specifications of this chapter or presents a health or safety hazard, the

Town shall place a notice of condemnation in a prominent position on the container notifying the owner that such container may no longer be utilized for the purpose of solid waste storage or disposal. If the container is not replaced after two successive pickups, the owner shall be in violation of this chapter and subject to prosecution.

8.11.050 Containers-Placement, Access and Maintenance

(a) Containers or other materials as herein prescribed serving commercial entities shall be placed on private property adjacent to the alleyway where such exists or at the curb of the street on all lots contiguous to an adjacent alleyway in such a manner as to be readily accessible for collection. Vehicles that prevent such accessibility may be ticketed. The solid waste collection vehicles shall be provided with access to commercial containers between the hours of six a.m. and five p.m. Monday through Friday. Residential containers or other materials shall be placed at the curb by seven a.m. of the day of collection and shall be removed by six p.m. of the same day, provided the Town has collected such solid waste by that time, unless completely housed in a decorative enclosure.

(b) Where storage of refuse is in an alley, such accumulation of refuse shall be stored in containers in such a manner that protects it from animals, shelters it from weather and otherwise secures it in a sanitary and clean manner.

(c) Where refuse is placed at the curb or in the alley for the extra pick-up service that may be provided by the Town, such refuse shall not be put out more than twenty-four hours prior to the scheduled pick-up.

(d) It is unlawful to deposit household solid waste in any receptacle maintained for disposal of litter by pedestrians.

(e) It is unlawful for the owner, manager or employee of a commercial establishment or institution to deposit solid waste from that establishment or institution in any receptacle placed by anyone other than such owner, manager, or employee for disposal of litter by pedestrians. Commercial solid waste shall be disposed of in accordance with provisions prescribed in this chapter.

(f) Tampering with refuse, garbage, or refuse container prohibited. No person other than the owner, or the agents or employees of such owner, or a person or company authorized by the Town to collect and dispose of refuse and rubbish shall tamper with any refuse container. Similarly, no person other than the owner, or the agents of employees of such owner, or a person or company authorized by the Town to collect and dispose of refuse and rubbish shall tamper with its contents or remove the contents of any refuse container, or remove a refuse container from the location where the same has been placed by the owner.

8.11.060 Special Handling Permits

In the event a residential customer has a documented disability as confirmed by a licensed health care provider within the state of Wyoming and which prevents placement of his/her solid waste in the designated location, a special solid waste handling permit may be obtained from the

Town after request is made. The current annual fee shall be charged in accordance with the fee schedule established by Town resolution.

8.11.070 Fees and Charges-Rate Establishment-Payments

(a) The fee for the collection of solid waste shall be paid no less than monthly to the Town. The Town, in making collections of water, sewer and solid waste revenues, shall credit partial payments first to solid waste collection charges.

(b) The Town council shall adopt by resolution such rates as they determine necessary to defray the costs of collecting, handling, and disposing of garbage and refuse.

(c) The Town council shall establish, by resolution a fee schedule of rates for each customer classification. Adjustments to the fee schedule relative to residential accounts may be authorized by the Mayor and/or his/her designee. Adjustments to the fee schedule relative to commercial accounts may be authorized by the Mayor or by minute action by the Town council.

(d) Whenever the Town is required to take corrective action in the interest of the health, safety and general welfare of the community, to remove solid waste from a public right-of-way or from private property, and the owner of said solid waste is ascertained to be a customer of the Town water and sewer service, all reasonable costs incurred by the Town in removal and disposal of said solid waste shall be charged to the said owner/customer as provided in the fee resolution. If said owner/violator is not serviced by the Town utility department and does not receive a water and sewer bill from the Town, said corrective costs shall be collected as provided by law.

8.11.080 Building Material and Mineral Waste

The Town will not be responsible for the removal and disposal of rock, stone, brick, concrete, dirt and other building materials or mineral wastes from curbside, alleys and construction sites. It is the responsibility of the owner to remove and dispose of such articles at the Regional solid waste facility or a proper lawful location.

8.11.090 Freon-Containing Appliances

Refrigerators, freezers and other white goods shall be rendered in a safe condition (doors off) prior to transportation for disposal. It shall be the responsibility of the owner to transport freon-containing appliances to the appropriate area of the Regional solid waste facility as directed by the solid waste division staff. Recycling facilities will also accept appliances once the Freon has been removed.

8.11.100 Rendered Animal Waste Products

The removal of rendered animal waste products shall be the responsibility of the person or company processing such materials. Solid waste shall be kept in closed sanitary containers as provided by state statute. Frequency of removal shall be at the discretion of the community service division of the Mills Police Department.

8.11.110 Yard Waste, Wood and Sod Removal

(a) Tree limbs, branches and wood shall meet the following criteria for designated branch collection:

- (i) Be cut into lengths not exceeding four feet in length and branches must be less than 6 inches in diameter;
- (ii) Be securely tied by rope, twine or tape in bundles not to exceed 2 feet in diameter; and
- (iii) Not exceed fifty pounds in weight.

(b) Yard waste, sod, topsoil, and cow and horse manure may be dropped off in the designated area at the Casper Regional Solid Waste Facility compost facility.

(c) It shall be the responsibility of the owner to dispose of sod at the Casper Regional Solid Waste Facility.

8.11.115 Electronic and Metal Waste

Electronic and metal waste is prohibited and shall not be placed in any refuse container for collection, transportation, and disposal in the Regional Solid Waste Facility.

It is the responsibility of the owner to dispose of electronic and metal waste in the designated area at the Regional Solid Waste Facility.

8.11.120 Incineration Prohibited

It is unlawful to burn any garbage or refuse within the Town of Mills.

CHAPTER 8.12
WRECKED AND DISABLED VEHICLES AND JUNK

8.12.005 - Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Firewood" means wood cut for fuel. Such wood shall be cut to a length of no more than two feet six inches and must be stacked in a neat and orderly pile no greater than five feet in height.

(b) "Junk" means all articles such as, but not limited to, appliances, furniture (except for furniture intended for outdoor use), parts thereof, boxes, cardboard, paper, glass, plastic, scrap lumber, wood other than "firewood," pallets, tires, auto parts, mattresses, batteries, machinery parts, rags, combustible or flammable waste, litter, refuse, rubbish, building materials and similar except construction and materials which has been collected to await arrival of the Town's sanitation personnel. As used in this chapter, "junk" refers only to materials left outside of any building and

does not apply to materials stored inside a lawfully constructed building so long as such building is wholly enclosed, except for doors for ingress and egress.

(c) "Permitted Exceptions" mean storage, repair and servicing of vehicles, as defined in this section, not authorized in this chapter, and the tearing down, stripping or junking of such vehicles shall be permitted only where and when such use is specifically authorized, permitted or licensed under other ordinances of the Town and in strict accordance therewith; or which use is conducted entirely within the confines of an accessory garage building, then only provided that such vehicle is the property of the owner or occupier of the lot and that such use is not a commercial use of the property, unless such use is authorized by other ordinances of the Town.

8.12.010 Public Nuisance Declared

The accumulation or storage of abandoned, wrecked, dismantled, unlicensed or inoperative vehicles or junk on private or public property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for insects, rodents, skunks and other vermin and to be injurious to the health, safety and general welfare of the public. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle, more than one unlicensed vehicle, or junk on private or public property, except as expressly permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

8.12.020 Notice to Abate Nuisance-Compliance Required

(a) It shall be the duty of any person receiving the notice of a public nuisance as provided in this chapter to comply with the provisions of the notice and to abate such nuisance within ten days after the receipt of such notice, and if such person shall fail or refuse to abate such nuisance within ten days from receipt of such notice without just cause, such failure is declared to be unlawful and shall constitute a misdemeanor. Each day such nuisance persists shall constitute a separate violation.

(b) It is unlawful and shall constitute a misdemeanor for any person, after having received notice as provided in this chapter, to remove any vehicle or junk from private property to any other private property upon which storage is not permitted, or onto any public property for the purpose of storage within the Town.

8.12.030 Notice to Abate Nuisance-Contents-Procedure

(a) Whenever the Community Service Officer, Code Enforcement Officer or a Police Officer is of the opinion that any vehicle or junk is a public nuisance as defined in this chapter, the Code Enforcement branch of the Police Department or the Police Department shall attempt to give written notice to the owner of the vehicle or junk, if his or her address is known, to the owner of the land where the vehicle or junk is located, and to any other person or entity reasonably known to have a security interest in the vehicle or junk. The notice shall be attempted by certified mail or personal service, if the address of the individual or entity is known. In the case of vehicles, where practical, the notice shall also be affixed to the windshield or some other part of the vehicle where

it can be easily seen. Where affixing the notice to a vehicle is impractical, and in the case of junk, the notice shall be posted at the side or on the premises where the nuisance exists.

- (b) Such notice shall include substantially the following information:
 - (i) A statement that a certain vehicle or junk is a nuisance within the provisions of this chapter; in the case of a vehicle, the notice should include make, year and vehicle identification number if reasonably possible;
 - (ii) A description of the real property, by street address or otherwise, on which the nuisance exists;
 - (iii) A statement that such nuisance must be abated within ten days from the date on the notice;
 - (iv) A statement that if the nuisance is not abated within the time provided, the Town may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists or both;
 - (v) A statement that a hearing upon the allegation of a public nuisance and the assessment of costs may be requested by giving written notice to the Town Clerk within ten days from the date on the notice, and that a request must specify the property concerning which the request is made, the requesting party's name and address, and the nature of the interest held by the requesting party; that upon request a hearing will be scheduled to determine if a public nuisance exists and as to the assessment of administrative costs and the costs of abatement; that if a hearing is not so requested the right to a hearing shall be waived;
 - (vi) A statement that failure to abate the nuisance may result in a Town abatement and/or criminal charges.

(c) In the event that notice, as provided in subsection (a) of this section, cannot be given to each individual known by the Community Service Officer, Code Enforcement Officer or the Chief of Police or his or her representative to have an interest in the vehicle or junk, service shall be made by publication. Such notice by publication shall be made by one publication in a newspaper of general circulation in Natrona County. The notice of publication shall contain the same information required in the notice described in subsection A of this section. Notice by publication may contain multiple listings of public nuisances.

(d) Proof of notice shall be made by the certification of any officer or employee of the Town, or affidavit of any person over eighteen years of age, naming the person to whom notice was given and specifying the time, place and manner thereof. Proof of notice shall be made in each case and maintained for a period of two years from the date of abatement of the nuisance for which notice has been given.

8.12.040 Hearing Procedure

(a) A request for a hearing upon the allegation of a public nuisance and the assessment of costs shall be made in writing and delivered to the Town Clerk within ten days from the date of the notice to abate. Such request shall specify the property concerning which the request is made, the requesting party's name and address, and nature of the interest held by the requesting party in the vehicle or junk.

(b) In the event of a public nuisance as defined in Section 8.12.010, of which notice has been given, and which remains unabated for more than ten days, the Code Enforcement Officer or Police Department is granted the authority to abate, remove or cause the removal of the vehicle or junk; provided, however, that if a proper request for hearing is filed, abatement shall only proceed upon resolution or order of the Town Council or hearing examiner.

(c) In the event a request for hearing is filed as provided, a hearing shall be held before the Town Council or such other individual or group as designated by the Town council to act as hearing examiner. The purpose of the hearing shall be to confirm or deny the existence of a public nuisance and for taking such further action as is authorized under this chapter. Notice of the time, place and hour of the hearing shall be sent at least ten days in advance of the hearing of all known parties.

(d) At such hearing, all parties shall be afforded an opportunity to present evidence, to cross-examine and present argument; provided that all persons testifying shall be sworn; irrelevant, immaterial or unduly repetitious evidence shall be excluded; and the decision of the council or hearing examiner shall be based upon the type of evidence commonly relied upon by reasonably prudent people in the conduct of their serious affairs.

(e) At or after such hearing, and in the event of confirmation that a public nuisance exists, the Town Council or the hearing examiner, as the case may be, may resolve or order that the Community Service Officer, Code Enforcement Officer, the Chief of Police, and/or his employees or agents remove or otherwise abate the nuisance; provided, however, that if the circumstances justify, in the opinion of the entity or person presiding at the hearing, the time for abatement may be delayed. In the event a nuisance is confirmed, administrative and removal costs may also be assessed at the hearing. If it is found that a public nuisance does not exist, abatement authority shall be denied, and costs shall not be assessed.

(f) Appeals from adverse decisions rendered by the Town Council pursuant to subsection (d) of this section may be made to the district court in the same manner as an appeal from an adverse decision rendered by an agency in a contested case under the provisions of Section 16-3-114 of the Wyoming Statutes, 1977. A hearing examiner, as provided in subsection C of this section, is an agency within the meaning of the Wyoming Administrative Procedures Act and adverse decisions may be appealed in the manner provided therein.

(g) In the event a request for hearing, as provided, is not filed, the right to a hearing shall be considered to have been waived.

8.12.050 Removal-Voluntary Consent-Affidavit

The owner of any vehicle or junk may voluntarily consent to the removal of such property 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 that there are no other owners of the property, or lien holders having a security interest in the property; that the owners will reimburse the Town for the actual costs of removal or such other costs as are established by the Town Council for such removal; and that such reimbursement will be made to the Town within thirty days of removal. Such affidavit shall constitute a statement by the owners signing such 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 such 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.

8.12.060 Disposal-Assessment of Costs

(a) Any vehicle or junk which is impounded or removed and taken into custody, as provided in this chapter, may be disposed of according to the provisions of Section 7-2-111 of the Wyoming Statutes, 1977.

(b) Any vehicle or junk which is impounded or removed and taken into custody, as provided in this chapter, may be disposed of according to the provisions of Sections 31-13-108, 31-13-109 and 31-13-110 of the Wyoming Statutes, 1977.

(c) The Town Council shall, from time to time, determine and fix an amount to be assessed as administrative costs in relation to enforcement of this chapter. This cost of administration may be set as a fixed sum per removal or as a percentage of the actual cost of removal under this chapter. In addition, the actual costs of removal and storage may be charged against the owner of any vehicle or junk constituting a public nuisance and/or against the land or owner of the land where same was situated.

CHAPTER 8.13 **LITTER CONTROL**

8.13.010 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Commercial Handbill" means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- (i) Which advertises for sale any merchandise, product, commodity or thing;
- (ii) Which directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales;

- (iii) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged. The terms of this subdivision shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. Nothing contained in this subdivision shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of this state or under any ordinance of this town; or
- (iv) Which, while containing reading matter other than advertising matter is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as the advertiser or distributor.

(b) "Garbage" means waste resulting from the handling, preparation, cooking or consumption of foods; wastes from the handling, storage and sale of produce, and any other matter whatsoever that may decompose, become foul, offensive, unsanitary, or dangerous to health.

(c) "Litter" means garbage or refuse or any combination of garbage and refuse.

(d) "Newspaper" means any newspaper of general circulation as defined by general law any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general laws; and, in addition thereto, any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

(e) "Noncommercial Handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or other printed or otherwise reproduced original or copies of any matter of literature not included in the definitions of a commercial handbill or newspaper.

(f) "Private Property" means and includes, but is not limited to, the following structure exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entrance ways, passage ways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

(g) "Public Property" means and includes, but is not limited to, the following: streets, street medians, roads, road medians, catch basins, sidewalks, strips or parkways between streets and sidewalks, lanes, alleys, public buildings and rights-of-way, public parking lots, school grounds, housing project grounds, Mills vacant lots, parks, playgrounds, other publicly owned recreation facilities and waterways within the corporate limits and bodies of water.

(h) "Refuse" means discarded materials including, but not limited to, paper, wood, glass, metal and cloth products, yard trimmings, tree branches, furniture, bedding, appliances, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing processes.

(i) "Secured Load" is a load with the placement of tarp, cloth, netting, rope or any other device that prevents the spread of litter during transportation by any vehicle.

8.13.020 Property Maintenance-Owner and Occupant Responsibility

(a) The owner or person in control of any private property shall at all times maintain the premises free of litter. This requirement applies not only to removal of loose litter, but to materials on, or that become trapped on, such locations as abutting Town sidewalks, strips and parkways, and private or publicly owned fences and wall bases, grassy and planted areas, borders, embankments and other such lodging points.

(b) Persons owning or occupying places of business which face on Mills sidewalks and strips or parkways between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of litter. Cleanliness of the alleyways is the responsibility of the contiguous property owners.

(c) It is unlawful to sweep or push litter from sidewalks and strips or parkways into streets. Sidewalk and strip or parkway sweepings must be picked up and put into household or commercial solid waste containers.

(d) Waste material or refuse used in the manufacture or remanufacture of salable products may be stored in an approved manner on the inside of the premises and with the written permission of the health, fire and building departments.

(e) Rock, stone, brick, concrete, dirt and other building materials or mineral wastes shall not be permitted to accumulate in alleyways or at the curb. Such material must be stored on private property in a safe manner and in such a way to prevent rodent harborage. Once the work is completed such leftover material shall be removed from view and stored inside an accessory building.

8.13.030 Use of Sidewalk Receptacles-Restrictions

(a) It is unlawful for any resident to deposit household solid waste in any receptacle maintained for disposal of litter by pedestrians.

(b) It is unlawful for the owner, manager or employee of a commercial establishment or institution to deposit solid waste from that establishment or institution in any receptacle placed by anyone other than such owner, manager or employee for disposal of litter by pedestrians. Commercial solid waste shall be disposed of in accordance with provisions prescribed in Chapter 8.32 of this code.

8.13.040 Litter Removal-Authorization-Notice-Cost to Be a Lien

(a) In addition to any other penalties or remedies, the Community Service Officer or his or her designee is authorized and empowered to serve notice upon the occupant or the owner, or his agent, to remove litter from his private property. If the litter is not removed within five (5) days after service of notice, the Community Service Officer or his or her designee shall have it removed and the cost of removal shall be assessed against the property and constitute a lien thereon. The owner shall be notified, in writing, of the amount assessed, and if it is not paid, it shall be collected in the same manner as provided by Wyoming Statutes.

(b) For any person who fails to reimburse the Town for the costs as set forth in subsection 8.13.040(a) within forty-five days of the date of any conviction for violation of subsection 8.13.040(a), the costs shall be included on the person's sanitation bill as an additional service charge and/or may be collected pursuant to Wyoming law.

8.13.050 Construction and Demolition Projects

(a) It is unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation, other than as restricted by subsection (b) of this section, of any litter on the site within thirty days prior to the commencement of construction or demolition, or during or within thirty days after completion of the construction or demolition project.

(b) The owner, agent or contractor shall have and maintain on the site containers for the disposal of litter that meet standards prescribed by Chapter 8.13 of this code and shall make appropriate arrangements for the collection thereof or shall transport the same by himself or his agent or employee to an authorized facility for final disposition.

8.13.060 Loading and Unloading Operations

(a) Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide, within twenty-five feet of such location, covered containers that meet standards prescribed by Chapter 8.13 of this code for the disposal and storage of such litter and shall make appropriate arrangements for the collection on the site of such operations.

(b) Further, it shall be the duty of the owner or occupant to remove at the end of each working day any litter that has not been containerized at these locations.

8.13.070 Littering-General Restrictions-Prosecution

It is unlawful for any person to throw, discard, place, deposit, distribute, cause or allow to be thrown, discarded, placed, deposited, or distributed, litter in any manner or amount on any public or private property within the corporate limits of the Town, except in containers or areas lawfully provided therefor.

8.13.080 Handbill Restrictions

(a) No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the Town. Nor shall any person hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street, or other public place within the Town for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

(b) No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.

(c) No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(d) No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if required by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises.

(e) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted, as provided in this section, such person, unless requested by anyone upon such premises not to do so, shall have the authority to place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places; except, that mailboxes may not be so used when so prohibited by federal postal law or regulations.

(f) The provisions of this section shall not apply to the distribution of mail by the United States, nor to the distribution of newspapers by any person, his agent or employee responsible for the distribution of such newspapers.

8.13.090 Litter Containers Required of Certain Establishments

To facilitate proper disposal of litter by pedestrians and motorists, such publicly patronized or used establishments and institutions as may be designated by the Town shall provide, regularly empty and maintain in good condition containers that meet standards prescribed by Section 8.13.050. This requirement shall be applicable, but not limited, to fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools and colleges.

8.13.100 Vehicles-Transportation of Litter-Responsibility Shared-Prosecution

(a) All loads shall be secured in such a manner as to prevent all or any portion of the load from leaving the vehicle prior to intentional unloading at the intended destination. Evidence of any portion of the load leaving the vehicle shall be prima facie evidence of a violation of this section.

(b) In the prosecution charging a violation of this section, lack of adequate covering and securing shall in itself constitute proof a violation has been committed.

8.13.120 Violation-Citation and Notice to Appear-Deemed Complaint When-Disposition-Penalty

(a) Whenever a Mills Community Service Officer, Mills Police Officer, or his/her authorized designee observes or has reasonable cause to believe that a person has violated the provisions of this chapter, such official is authorized to prepare a written citation containing a notice to appear in Mills court. The citation shall comply with the rules established by the Wyoming rules of criminal procedure.

(b) Every Mills Community Service Officer, Mills Police Officer, or his/her authorized designee, upon issuing a citation herein authorized, shall deposit the original of the citation with the Mills court, and shall issue a copy of the same to the person against whom the violation is charged. When the citation is sworn to, as required under the general laws of the state in respect to a complaint charging a commission of the offense alleged in the citation to have been committed, then the citation, when filed with the Mills court, shall be deemed a lawful complaint for the purpose of prosecution under this chapter.

Except as otherwise provided herein, any person violating any provision of this chapter shall be punished in accordance with the General offenses provision of the Town of Mills Code. Any persons found guilty of littering in the Town limits of Mills may additionally be fined in accordance with this code and shall be required to reimburse the Town all costs incurred by the Town in the removal or clean-up of said litter.

CHAPTER 8.14 **INFECTIOUS WASTE**

8.14.010 Definitions

(a) "Contaminated" refers to the presence or reasonable anticipation of the presence of blood or other potentially infectious materials in an item or on a surface.

(b) "Generator" means the owner, manager, agent, or person in charge of medical facilities, including but not limited to: hospitals, medical schools, physical therapy schools and treatment centers, physicians' offices, outpatient clinics, employee clinics, home health care agencies, nursing homes, dialysis centers, veterinarians, dentists, ophthalmologists, research and forensic labs, pharmaceutical manufacturers, blood banks, mortuaries, offices performing autopsies and individuals generating or disposing of infectious waste.

- (c) "Infectious Waste" means waste capable of producing an infectious disease.
- (i) For a waste to be infectious, it must contain pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in disease. The following categories of waste shall be considered infectious:
 - (ii) Isolation waste from persons in medical isolation as defined by the centers for disease control or state or local Health Officer;
 - (iii) Cultures and stocks of infectious agents and associated biologicals;
 - (iv) Human pathological/anatomical waste consisting of tissues and body parts that are discarded from surgical, obstetrical, autopsy, and laboratory procedures;
 - (v) Contaminated sharps include any contaminated object that can penetrate the skin including but not limited to, needles, scalpels, broken capillary tubes, and exposed ends of dental wire;
 - (vi) Contaminated laboratory or research animal carcasses and body parts; and,
 - (vii) Contaminated clothing, dressings, equipment, and supplies.
 - (viii) Personal home hygiene materials which become blood-soaked, such as gauze, bandages, and feminine protection products, are not to be considered infectious waste.

8.14.020 Property Maintenance-Owner and Occupant Responsibility

Infectious waste material shall be stored in an approved manner, as defined in Section 8.14.090, on the premises so as not to cause contamination to the public.

8.14.040 Improperly Contained and/or Stored Infectious Waste Removal-Authorization Notice-Cost to Be Assessed-Collected

The Chief of Police or his designee is authorized and empowered to serve notice upon the occupant or the owner, or his agent, to immediately remove improperly contained and/or stored infectious waste from his private property. If the improperly contained and/or stored infectious waste is not removed immediately upon notification, the Chief of Police or his or her designee shall have it removed. The owner shall be notified of the cost of removal. If the cost is not paid within sixty days by the owner, the cost shall be assessed against the owner or occupant's sanitation bill as an additional cost of service, or in the alternative, the cost may be collected pursuant to Wyoming Statute by the Town of Mills.

8.14.080 Infectious Waste-General Restrictions

It is unlawful for any person to throw, discard, place or deposit infectious waste in any manner or amount on any public or private property within the corporate limits of the Town, except in containers or areas lawfully provided therefor.

8.14.090 Proper Storage and Disposal

Generators shall dispose of infectious waste according to the following standards:

- (a) All infectious waste shall be discarded in a red bag or sharps container which states in capital letters "BIOHAZARD" and which statement is securely attached to such bag or container with string, wire or adhesive. These bags or containers shall be discarded with a private commercial sanitation disposal company or medical waste facility. However, individuals generating sharps may dispose of them at their pharmacy through the Town sponsored sharps disposal program. In no case shall infectious waste be placed and/or discarded in an unsecured or unlabeled container.
- (b) All blood-soaked absorbent items shall be discarded in a red bag that contains a warning label symbol stating in capital letters "BIOHAZARD" that is securely attached to such bag with string, wire or adhesive.
- (c) All other decontaminated waste may be discarded in a Town dumpster or sanitation container.

CHAPTER 8.15 **WEED AND PEST CONTROL**

8.15.005 Definitions

For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

(a) "Weed" means any plant which the Wyoming Board of Agriculture and the Wyoming Weed and Pest Control, or the town council has found, either by virtue of its direct effect, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within the Town. Such weeds include, but are not limited to:

- (i) Field Bindweed (*Convolvulus Arvensis*);
- (ii) Canada Thistle (*Cirsium Arvense*);
- (iii) Leafy Spurge (*Euphorbia Esula*);
- (iv) Perennial Sowthistle (*Sonchus Arvensis*);
- (v) Quackgrass (*Agropyron Repens*);
- (vi) Hoary Cress (Whitetop) (*Cardaria Draba* and *Cardaria Pubescens*);

- (vii) Perennial Pepperweed (Giant Whitetop) (*Lepidium Latifolium*);
- (viii) Oxeye Daisy (*Chrysanthemum Leucanthemum* or *Leucanthemum Vulgare*);
- (ix) Skeletonleaf Bursage (*Ambrosia Tomentosa*);
- (x) Russian Knapweed (*Acroptilon Repens*);
- (xi) Yellow Toadflax (*Linaria Vulgaris*);
- (xii) Dalmatian Toadflax (*Linaria Dalmatica*);
- (xiii) Scotch Thistle (*Onopordum Acanthium*);
- (xiv) Musk Thistle (*Carduus Nutans*);
- (xv) Common Burdock (*Arctium Minus*);
- (xvi) Plumeless Thistle (*Carduus Acanthoides*).

(b) "Native Areas" means:

- (i) Those areas adjacent to the Town's open drainageways; and,
- (ii) Areas of natural groundcover of one acre or larger, under single ownership.

(c) "Woody Plants" means perennial plant materials such as trees, shrubs, vines and groundcovers with woody fiber (compound plant cambial layer growth systems which are composed of xylem and phloem vascular cells), which serve as desirable flora components of an urban landscape.

8.15.010 Weed Removal

It is the duty of every owner of any lot or parcel of ground in the Town, to keep the lot and the parcel of ground, parkways, alleyways and the sidewalk areas abutting thereon, free from weeds. Every owner failing to comply with the provisions of this chapter may be notified by the Community Service Officer, Code Enforcement Officer, Chief of Police, or his or her or their authorized agent, to remove such weeds within ten (10) days from the receipt of such notice, or within a lesser period of time specified in the notice, if the interests of public safety and health so necessitate. If less than ten days are allowed for removal of the weeds, the notice shall state the reason that the interests of public safety and health so necessitate. Such notice shall be in effect for the duration of the calendar year and the owner of the lot or parcel shall be responsible for controlling the vegetation as prescribed above for the duration of the calendar year, without the need for re-notification. After the initial notice, any subsequent period of noncompliance shall also be a violation of this section.

8.15.015 Height of Vegetable Growth for Fire Prevention and Erosion Control

It is the duty of every owner of any lot or parcel of ground in the Town, to keep the lot and the parcel of ground, parkways, alleyways, and the sidewalk areas abutting thereon, free from grass or other lawful vegetable growth which is in excess of eight inches in height and that is detrimental to the neighborhood. This section does not prohibit property owners from installing inorganic landscaping materials authorized by the Mills Zoning Ordinance. Such notice shall be in effect for the duration of the calendar year and the owner of the lot or parcel shall be responsible for controlling the vegetation as prescribed above for the duration of the calendar year, without the need for re-notification. After the initial notice, any subsequent period of noncompliance shall also be a violation of this section.

8.15.020 Abatement by Town Authorized When

The Municipality may at its election, after notice is served upon the owner, file a complaint against the offending person and/or go upon such lot, parcel of land, alleyway or sidewalk area in front thereof and remove such weeds and noxious vegetation and the expense thereof shall be charged to the owner of the lot or parcel of ground and the same, if applicable, certified to the proper taxing authorities and/or collected from the owner of such lot or parcel of ground from which the weeds and noxious vegetation have been removed. The Municipality may take the action herein prescribed upon any violation of this section of this chapter subject only to the notice requirements delineated therein. Notice shall be accomplished by certified mail to the last known property owner of the property or, if not known, by positing notice on the property.

8.44.035 Exceptions-Fire Break Required-Method of Size Determination

(a) Native areas and the natural vegetation contained therein are exempt from the weed removal and height limitation provisions of this chapter. The "Fire Chief", or his or her representative, may determine on an annual basis that removal may be required based if seasonal conditions require the same.

(b) Drainage ways, excluding Casper Creek and the North Platte River, shall be mowed from the top of the bank to the perimeter of the drainageway. Woody plants located within this area are exempt from having to be mowed. In addition, a Community Service Officer, after consultation with the "Fire Chief" for reasons of erosion, spoilage of natural groundcover, etc., can deem the mowing of the drainageway to be impractical, and exempt from the mowing requirement.

(c) However, it is the duty of every owner of any lot, or parcel of ground in the Town, to mow and maintain a strip for a fire break between their private property and the native areas adjoining the property. The width of the fire break shall be determined by the "Fire Chief" or his or her designated representative, and shall be based on the height, type and amount of growth, wind and geographical conditions, and type of exposure threatened. Such notice shall be in effect for the duration of the calendar year and the owner of the lot or parcel shall be responsible for controlling the vegetation as prescribed above for the duration of the calendar year, without the need for re-notification. After the initial notice, any subsequent period of noncompliance shall also be a violation of this section.

(d) The provisions set out in this section above shall not apply to areas zoned “urban agriculture” and/or “urban agricultural residential,” provided however that the “Fire Chief” or his or her representative may determine on a seasonal basis appropriate provisions for fire breaks.

8.15.040 Violations

(a) Violation of any of the provisions of this chapter shall be considered to be a public nuisance.

(b) Violation of any of the provisions of this chapter shall constitute a misdemeanor offense, and punishment shall be in accordance with General Offenses section of this code.

8.15.050 Enforcement

The Community Service Officer, Code Enforcement Officer, Chief of Police and his or her or their authorized agent shall have the authority to enforce the provisions of this chapter as follows:

(a) By providing written notice to the owner to comply with the provisions of this chapter within the time period specified in the notice;

(b) By issuing a written citation to appear in Mills court upon the owner's failure or refusal to comply with the notice to remove the nuisance;

(c) By authorizing the abatement of the nuisance upon the owner's failure or refusal to comply with the notice to remove the nuisance.

8.15.060 Abatement-Liability for Costs-Collection of Costs

(a) Upon the owner's failure or refusal to comply with the written notice to remove the nuisance within the specified time period, the Community Service Officer, Code Enforcement Officer, Chief of Police or his or her or their authorized agent may, in addition to issuing the owner a citation, authorize the removal of such nuisance, and the owner of the lot or parcel from which the nuisance is removed, shall be liable for all costs of the removal.

(b) The Mayor or authorized agent may initiate legal proceedings for collection of costs of removal against the owner of the lot or parcel, upon the owner's failure or refusal to pay the costs within thirty days, following demand for payment by the Mayor or authorized agent.

8.15.070 Assessment of Costs

In addition to the owner's personal liability for costs of removal, the actual costs of such removal shall become an assessment upon the property from which such nuisance is removed, and the record owner of such property shall be liable for the payment of same if the actual cost of such removal has not been paid within thirty days of receiving a bill from the Town. Such assessment shall become a special assessment against the property from which the nuisance is removed, and the procedure for such special assessment shall be in accordance with Wyoming Statutes.

8.15.080 Appeal by Owner

(a) A request for a hearing upon the allegation of a public nuisance and the assessment of costs shall be made in writing and delivered to the Town Clerk within ten days from the date of the notice to abate. Such request shall specify the property concerning which the request is made, the requesting party's name and address, and nature of the interest held by the requesting party of the weed violation.

(b) In the event of a public nuisance as defined in Sections 8.15.010 and 8.15.030 of which notice has been given, and which remains unabated for more than ten days, the Community Service Officer, Chief of Police, or his or her representative is granted the authority to abate, remove or cause the removal of the weeds and/or dandelions; provided, however, that if a proper request for hearing is filed, abatement shall only proceed upon resolution or order of the Town council or hearing examiner.

(c) In the event a request for hearing is filed as provided, a hearing shall be held before the Town Council or such other individual or group as designated by the Town Council to act as hearing examiner. The purpose of the hearing shall be to confirm or deny the existence of a public nuisance and for taking such further action as is authorized under this chapter. Notice of the time, place and hour of the hearing shall be sent at least ten days in advance of the hearing of all known parties.

(d) At such hearing, all parties shall be afforded an opportunity to present evidence, to cross-examine and present argument; provided that all persons testifying shall be sworn; irrelevant, immaterial or unduly repetitious evidence shall be excluded; and the decision of the council or hearing examiner shall be based upon the type of evidence commonly relied upon by reasonably prudent people in the conduct of their serious affairs.

(e) At or after such hearing, and in the event of confirmation that a public nuisance exists, the Town Council or the hearing examiner, as the case may be, may resolve or order that the Municipality and/or its employees or agents remove or otherwise abate the nuisance; provided, however, that if the circumstances justify, in the opinion of the entity or person presiding at the hearing, the time for abatement may be delayed. In the event a nuisance is confirmed, administrative and removal costs may also be assessed at the hearing. If it is found that a public nuisance does not exist, abatement authority shall be denied, and costs shall not be assessed.

CHAPTER 8.16 **RODENT CONTROL**

8.16.010 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Business Building" means any hotel, apartment building, rooming house, office building, public building, store, theater, market, factory and any other structure, whether public or private, that is adapted for use in the transaction of business, the rendering of professional service, amusement, display, the sale of storage goods, wares or merchandise or for the performance of

work or labor and shall include all outhouses, sheds, barns and other structures on premises used for business purposes.

(b) "Rat" means any member of a long tailed rodent species commonly described as rates, whether native to Wyoming or non-native. For purposes of this Title, the term Rat and these provisions shall not apply to any domesticated member of the same species which is kept in controlled conditions as a domestic pet or lab animal.

(c) "Rat Eradication" means the elimination or extermination of rats from any premises by any and all methods approved by the Health Officer.

(d) "Rat Harborage" means any place which provides shelter or protection for the continued existence or multiplication of rats, either in or outside of any business building.

(e) "Vent Stoppage" means a form of construction or repair to prevent the entry of rats into business buildings from the exterior or from one business building to another business building.

8.16.020 Refuge for Rats Prohibited

All premises, improved or unimproved, and all open lots, areas, streets, sidewalks, alleys and other areas in the Town shall be kept clean and free from all rubbish, loose material, lumber, boxes, barrels and loose iron that might serve as a harborage for rats, and any material that may provide rat harborage shall be placed upon supports in such manner as to provide no refuge for rats.

8.16.030 Business Buildings-Maintenance

All business buildings in the Town shall be maintained in a vent-stopped and rat-free condition by the owner or occupant.

8.16.040 Business Buildings-Compliance Required

All improvements, repairs, construction and maintenance of any business building or any equipment or fixtures therein shall comply with the terms of this chapter.

8.16.050 Storage of Food and Animal Feed

All food for human consumption and all animal feed shall be stored in rat proof containers, compartments or rooms; provided, however, that such storage shall be unnecessary if the same is kept in a vent-stopped building approved by the Health Officer.

8.16.060 Storage of Garbage and Waste

All garbage and other waste material upon which rats may feed shall be placed and kept, until removed from the premises, in covered rat proof containers.

8.16.070 Inspections

The Health Officer, or such individual authorized under this Code to act in that capacity, shall make periodic inspections for the purpose of seeing that this chapter is complied with, and it is unlawful for any owner or occupant of any business building or premises to refuse such inspection; provided, that the same are made at reasonable times.

8.16.080 Possession or Turning Loose of Rats Prohibited-Exception

It is unlawful for any person to have in his possession any rats or to turn rats at large in the Town; provided, however, that this prohibition shall not apply to rats kept and used under the supervision of a duly licensed physician, surgeon or technician for scientific purposes.

8.16.090 Violation-Notice-Penalty

Whenever it shall come to the attention of the Health Officer that any of the foregoing provisions are being violated or that any business building or premises or portion thereof is infested with rats or has rats therein or thereunder, the Health Officer shall serve upon the owner or occupant of such business building or premises, or both, a notice in writing pointing out the specific violation of any or all of the foregoing provisions and requiring such person or persons to comply with the appropriate provision or provisions of this chapter. Such notice shall fix a time limit for compliance therewith which shall in no event be less than fifteen days from the date of the service of such notice. Any person or persons failing to comply with the directions contained in such notice within the time specified therein shall be deemed guilty of a violation of this chapter; provided, however, that if the Health Officer finds that the time specified in the notice is too short to permit a good faith compliance he may in writing extend the time for compliance.

CHAPTER 8.17 **PRIVIES**

8.17.010 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Cesspool" means any underground recess or receptacle, except septic tank, into which body wastes, industrial or residence household wastes are deposited by means of lines from residence or business property connected to water closets, drains, tubs or sinks therein, which recess or receptacle retains such wastes because it is not connected by outlet line to any main sewer line.

(b) "Privy" means any building or structure separate and apart from any residence or business building constructed and intended for use as a place in which to dispose of human body wastes, offensive wastes from industrial or residence use and of whatsoever nature, which building or structure has been or is being used for such purpose and is not connected to water and sewer lines.

(c) "Vault" means the underground recess over which a privy is constructed and into which the wastes from the human body, industrial or residence use and operations are deposited or any other opening in the ground covered or uncovered but into which any offensive matter is deposited and not periodically removed, but shall not include cesspools or septic tanks.

8.17.020 Privies Prohibited Where-Nuisance Declared

In the interest of sanitation, public health and general welfare any privy, vault or cesspool located within the Town upon any property are hereby declared to be a nuisance.

8.17.030 Removal of Privies-Cleaning and Filling of Vaults and Cesspools

Any person owning, occupying or having control of any premises or property upon which is situate any nuisance, as defined and declared in Sections 8.17.010 and 8.17.020, shall tear down and remove same if it be a privy and, if it be a vault or cesspool, shall clean same by removing the contents thereof and shall thereupon fill the vault or cesspool with earth or other suitable material. Cleaning of any vault or cesspool shall be under the supervision of the Town Health Officer.

CHAPTER 8.18 **HAZARDOUS MATERIALS AND HAZARDOUS WASTE**

8.18.010 Definitions

As used in this chapter:

(a) "Abandoned" means disposed, discarded, burned, incinerated, accumulated, stored, or treated.

(b) "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

(c) "Contaminant" means any substance introduced into air, water, or land that is toxic or otherwise harmful.

(d) "Corrosively" means having a pH less than or equal to two or greater than or equal to 12.5 as determined by a pH meter, and corrodes steel at a rate greater than 0.250 inches per year at a test temperature of one hundred thirty degrees Fahrenheit.

(e) "Discarded" means abandoned, recycled, or inherently waste-like.

(f) "Discharge" means the deposit, injection, dumping, spilling, leaking, emitting, or placing of any hazardous material or hazardous waste into the environment including land, air, water, and groundwater.

(g) "Disposal" means the discharging, depositing, dumping, injecting, spilling, leaking, emitting, or placing of any hazardous material or hazardous waste into the environment including land, air, water, and groundwater.

(h) "Environment" means any water, air, land, and the interrelationship which exists among and between water, air, land, and all living things.

(i) "Flashpoint" means the temperature at which a liquid or solid gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the test vessel.

(j) "Hazardous Material" means any material or substance which may cause harm to the environment.

(k) "Hazardous Waste" means any abandoned material that poses a potential hazard to human health, environment, or property containing hydrocarbons including but not limited to: diesel, gasoline, solvents, oil base paints, hydraulic oil, used oil, transmission oil, gear lubricant, or any material that exhibits one of the four characteristics (ignitability, corrosivity, reactivity, and toxicity) identified under or listed pursuant to the Resource Conservation Recovery Act (RCRA), Subtitle C, and the Wyoming Department of Environmental Quality (DEQ) Hazardous Waste Regulations in Chapter 2, Sections 2, 3 and 4.

(l) "Ignitability" means having the characteristic of any liquid containing less than twenty-four percent alcohol by volume which has a flashpoint less than one hundred forty degrees Fahrenheit, or any non-liquid that is capable under standard temperature and pressure of causing fire through friction, absorption of moisture or spontaneous chemical changes, and when ignited, burns so vigorously and persistently that it creates a hazard.

(m) "Pollutant" means any substance introduced into the environment, which is not normally present therein, and that is potentially toxic or otherwise objectionable.

(n) "Release" means any spilling, leaking, pumping, pouring, emitting, discharging, depositing, discarding, injecting, escaping, leaching, dumping, or disposing into the environment including the abandonment or discarding of barrels, containers, and other receptacles containing any hazardous material or hazardous waste or pollutant or contaminant.

(o) "Reactivity" means having the characteristic of a solid waste that normally is unstable and readily undergoes violent change without detonating. A reactive substance reacts violently with water or forms potentially explosive mixtures with water. When mixed with water, a reactive substance generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health and the environment.

(p) "Remove or Removal" means a short-term immediate action taken to address releases of hazardous materials or hazardous waste that require expedited response.

(q) "Resource" means a person, thing, or action needed for living or to improve the quality of life.

(r) "Solid Waste" means any discarded solid, semisolid, liquid, or contained gaseous materials.

(s) "Toxicity Characteristic Leaching Procedure" (TCLP) means an analytical method approved by the U. S. Environmental Protection Agency (EPA), Method 1311, Number SW-846, tests for inorganic, and organic constituents, as well as procedures for field and laboratory quality control, sampling, and characteristics testing (Toxicity, ignitability, reactivity, and corrosivity). The methods are intended to promote accuracy, sensitivity, specificity, precision, and comparability of analyses and test results.

(t) "Toxicity" means any solid waste which exhibits toxicity using the toxicity characteristic leaching procedure (TCLP).

8.18.020 Property Maintenance-Owner and Occupant Responsibility

(a) Persons owning or occupying private properties that are next to sidewalks, strips or parkways between streets and sidewalks, shall be responsible for keeping those areas free of hazardous material and/or hazardous waste.

(b) Persons owning or occupying places of business that are next to sidewalks, strips or parkways between streets and sidewalks, shall be responsible for keeping those areas free of hazardous material and/or hazardous waste.

(c) Hazardous materials or hazardous waste shall not be permitted to accumulate in alleyways or at sidewalk curbs. Such materials must be stored in a closed container in a safe manner away from public access.

(d) Hazardous waste and hazardous materials located on private property shall be stored in an approved manner, as defined in Section 8.18.050, so it does not contaminate the environment.

8.18.030 Improperly Contained and/or Stored Hazardous Material or Hazardous Waste Removal-Authorization Notice-Cost to be Assessed/Collected

The Community Service Officer, Code Enforcement Officer, Chief of Police or his/her designee is authorized and empowered to serve notice upon the occupant, owner, or his agent, to immediately remove improperly contained and/or stored hazardous waste or hazardous material from private property. If the improperly contained and/or stored hazardous material or hazardous waste is not removed within seventy-two hours (unless there is an immediate threat to human health, property and environment, removal will be immediate upon notification), the Community Service Officer, Chief of Police or his/her designee may use any resource(s) available to remove and arrange for pick-up by a permitted treatment, storage, and disposal facility (TSDF). The occupant, owner, or his agent shall be responsible for reimbursement of costs incurred by the Town for removal and/or disposal. If the reimbursement is not made within sixty (60) days by the occupant, owner, or his agent, the cost of the removal and/or disposal shall be assessed against the owner's or occupant's sanitation bill as an additional cost of service or be assessed against the property and constitute a lien thereon; or, in the alternative, the cost may be collected by the Town pursuant to Wyoming Statutes.

8.18.040 Hazardous Material or Hazardous Waste-General Restrictions

It is unlawful for any person to discard, throw, discharge, place, deposit, or release any hazardous material, hazardous waste, or pollutant in any manner or amount in any private and/or Town sanitation containers, or on any public or private property within the corporate limits of the Town, except in containers or areas lawfully provided therefor.

8.18.050 Proper Storage and Disposal

(a) The occupant, owner, or his agent, of the private property, shall at all times, take precautions to prevent accidental ignitions, or reactions from mixing or commingling of hazardous materials or hazardous wastes. These materials shall be stored in closed containers for safety of the public and accidental releases. If a container holding hazardous materials or hazardous wastes is not in good condition or begins to leak, the occupant, owner, or his agent of the private property, must transfer the hazardous material or hazardous waste from this container to a container that is in good condition. The container must be made or lined with materials which will not react with and are otherwise compatible with the hazardous material or hazardous waste stored, so that the ability of the container to contain the material is not impaired. Hazardous materials or hazardous wastes must be stored and protected from sources of ignition or reaction including, but not limited to open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks, static, electrical, radiant heat, etc.

(b) Disposal by homeowners of hazardous materials and/or wastes shall be in accordance with the household hazardous waste facility guidelines. The occupant, owner, or his agent, of the private property, shall call the solid waste facility for an appointment, and inform the staff of the type or types of hazardous materials and/or wastes being brought to the facility.

(c) Disposal of hazardous materials and/or wastes by business shall be in accordance with the 40 CFR (Code of Federal Regulations), Parts 260-265, and the Wyoming Department of Environmental Quality (WDEQ), Chapter 8, Standards for Generators of Hazardous Waste.

8.18.060 Fees and Charges-Regional Solid Waste Facility

Residents of the Town shall be allowed one free use of the Regional Solid Waste Facility upon presentation of a current monthly water bill (within one year of the billing month). This service is to be provided to residential customers only and not to be used for commercial disposal. Materials ineligible for disposal using the water bill include, but are not limited to, tires, Freon-containing appliances, propane tanks and loads transported in vehicles or trailers exceeding the capacity of a standard pickup truck box. Loads that include a truck and trailer combination will require two water bills.

Chapter 8.20 –
PROPERTY MAINTENANCE AND NUISANCE ABATEMENT REQUIREMENTS

8.20.010 - Power to declare nuisances.

The Police Chief or his or her designee shall have the power to declare nuisances by way of ordinance, including, but not limited to, the nuisances declared in this chapter.

8.20.015 - Purpose.

The property maintenance and nuisance abatement requirements are designed to ensure public health, safety and welfare by regulating and governing the conditions and maintenance of property and improvements within the city; by providing standards essential to ensure that structures and properties are safe, sanitary and fit for occupation and use; to improve the appearance of the city; encourage a more attractive environment; improve quality of life, and increase the value of properties within the city.

8.20.017 - Definitions.

As used in this chapter:

(a) "Abate" or "abatement" means the action taken to remove or alleviate a nuisance, including but not limited to, demolition, removal, repair, boarding and securing or replacement of property.

(b) "Notice of violation" shall mean that written notice prepared by the city to provide notice to individuals determined to be responsible for a public nuisance, or requiring notice of such due to their position, of that public nuisance and the steps deemed necessary to correct such nuisance.

(c) "Nuisance" or "public nuisance" means any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial loss in the value of other property in the neighborhood in which such premises are located or promotes urban blight and deterioration, or invites plundering, or creates fire hazards, or constitutes an attractive nuisance creating a hazard to the health and safety of minors, or creates a harborage for vermin, or to be injurious to the health, safety and general welfare of the public. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

- (i) Any nuisance declared in this chapter or within the entire city municipal code;
- (ii) Abandoned, discarded or unused objects or equipment including, but not limited to automobiles, furniture, stoves, refrigerators, freezers, cans, or containers.

8.20.020 - Applicability and enforcement.

(a) The provisions of this chapter shall apply to all matters affecting or relating to the maintenance of buildings and premises and the abatement of nuisances.

(b) The Code Enforcement Officer shall be responsible for enforcing the provisions of this chapter and the Code Enforcement Officer is appointed as special municipal officer pursuant to Wyoming Statutes Section 15-1-103(l) to issue criminal citations in the enforcement of this chapter.

8.20.030 - Investigations and inspections.

The Code Enforcement Officer and/or building official shall investigate complaints and conduct inspections of violations of the provisions of this chapter. Reports of such investigations and inspections shall be in writing. The Code Enforcement Officer and building official are authorized to engage such expert opinion as deemed necessary to report unusual technical issues that may arise, subject to the approval of the city administrator.

8.20.040 - Right of entry.

The Code Enforcement Officer is authorized to enter upon premises at reasonable times to investigate or inspect, with the permission of the owner, owner's agent, or occupant. The Code Enforcement Officer shall carry proper identification when investigating or inspecting premises in the performance of duties under this chapter.

8.20.045 - Search warrant.

(a) The Code Enforcement Officer may make application to the municipal court for authority to enter upon land to examine nuisances for the purpose of making a determination as to whether a public nuisance exists and/or securing information as to the ownership of a vehicle or item thought to constitute a public nuisance and/or securing information as to the identity of the person or persons in control of the land where the vehicle or item is situated.

(b) The municipal court has authority to issue search warrants and other process necessary to enforce this chapter.

(c) A warrant shall issue only upon affidavit sworn to before a municipal judge that establishes the grounds for issuing the warrant. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, he shall issue a warrant identifying the purpose of the search, and naming or describing the place to be searched. The warrant shall be directed to the Code Enforcement Officer authorized to enforce or assist in enforcing the laws of the state or of the city. The warrant shall state the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof. The warrant shall command that the search take place forthwith. The warrant shall direct that it be

served in the daytime, but for good cause shown, the warrant may direct that it be served at any time.

8.20.050 - Notices form.

Whenever the Code Enforcement Officer is of the opinion that any condition is a public nuisance as defined within this code, the Code Enforcement Officer shall attempt to give written notice to the owner of the condition, if his or her address is known, to the owner of the land where the condition is located, or any person occupying property, or to any other person or entity known by the Code Enforcement Officer to have a security interest in the alleged public nuisance. Such notice shall include substantially the following information:

- (a) The name of person who is the owner as disclosed in the tax records of Natrona County, Wyoming, or otherwise recorded; the name of person who is occupier of property if known, or the name of person who has a security interest if known;
- (b) The date of the inspection of the property;
- (c) A description of the real property, by street address or otherwise, on which the nuisance exists;
- (d) A statement that a certain condition is a nuisance within the provisions of this chapter and in the case of a vehicle, the notice should include make, year and vehicle identification number if reasonably possible and what must be abated;
- (e) A statement that such nuisance must be abated within ten (10) days from the date on the notice;
- (f) A statement that if the nuisance is not abated within the time provided, the city may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists or both;
- (g) A statement that a hearing upon the allegation of a public nuisance and the assessment of costs may be requested by giving written notice to the clerk of municipal court within ten (10) days from the date on the notice, and that a request must specify the property concerning which the request is made, the requesting party's name and address, and the nature of the interest held by the requesting party; that upon request a hearing will be scheduled to determine if a public nuisance exists and as to the assessment of administrative costs and the costs of abatement; that if a hearing is not so requested the right to a hearing shall be waived; and
- (h) A statement that failure to abate the nuisance may result in a city abatement and/or criminal charges.

8.20.060 - Method of service.

(a) If, after inspection of the premises, the Code Enforcement Officer determines that a public nuisance exists, a notice of violation shall be served upon the owner of property on file with the Natrona County Assessor for tax purposes. Notice shall be served in one (1) or more of the following ways:

- (i) Personal service by the Code Enforcement Officer; or
- (ii) Certified mail, return receipt requested, signature required; or
- (iii) Posting a copy of the notice in some conspicuous place on the offending property. In the case of vehicles, where practical, the notice shall also be affixed to the windshield or some other part of the vehicle where it can be easily seen. Where affixing the notice to a vehicle is impractical, and in the case of other nuisances, the notice shall be posted at the site or on the premises where the nuisance exists; or
- (iv) In the event that service cannot be perfected by any of the above listed methods, then notice of the violation and the contents thereof, shall be published in a newspaper of general circulation in the community one (1) time per week for two (2) consecutive weeks.

(b) Proof of notice shall be made naming the person to whom notice was given and specifying the time, place and manner thereof, by the certification of any officer or employee of the city, affidavit of any person over eighteen (18) years of age, naming the person to whom notice was given and specifying the time, place and manner thereof. Proof of notice shall be made in each case and maintained for a period of two (2) years from the date of abatement of the nuisance for which notice has been given.

(c) Receipt of service of the notice shall be deemed completed upon delivery by personal service, by mailing of the certified letter plus three (3) days, or upon the publication of the notice for the first time in the newspaper.

8.20.062 - Owner to abate.

(a) Upon receipt of the notice as specified in Section 8.20.050, the owner of the property shall abate the nuisance, and provide proof thereof to the Code Enforcement Officer, within ten (10) days from the date specified in the notice of violation.

(b) In the event that the owner is unable to complete the abatement within the prescribed period of time, but has undertaken substantial steps toward abatement, the Code Enforcement Officer may grant an extension of the specified period of abatement for not more than an additional twenty (20) days, subject to such conditions as may be specified by the Code Enforcement Officer.

- (i) Any extension of time shall be in writing, as shall be any conditions imposed thereon.
- (ii) No more than one (1) extension shall be granted.

8.20.064 - Hearing procedure.

(a) The owner or occupant of property who has been served with a notice of violation pursuant to this chapter may, within ten (10) days from the date specified in the notice of violation submit a written demand to the municipal clerk of courts for a hearing on the question of whether a nuisance exists. If no appeal is filed within that period, the appeal shall be deemed waived.

(b) In the event that a hearing is demanded by the alleged violator, a hearing shall be scheduled with the municipal court within twenty (20) days from the date of receipt of the written demand. The matter shall not be continued, unless both the alleged violator and the city agree to such continuance.

(c) At such hearing, all parties and the city shall be afforded an opportunity to present evidence, to cross-examine and present argument; provided that all persons testifying shall be sworn; irrelevant, immaterial or unduly repetitious evidence shall be excluded. Any violator may appear with counsel if desired.

(d) The burden shall be on the city to prove the existence of a nuisance by substantial evidence.

(e) After hearing the evidence and argument in the matter, the municipal court shall make a finding as to the existence of a nuisance, and may make findings as to the abatement procedure proposed by the city or the alleged violator, the costs to be determined by the court within a time certain, to be allocated, and the time in which such abatement will be completed by the alleged violator, if not completed by the time of the hearing. If a nuisance is found to exist, the time for completion allowed by the court shall not exceed ten (10) days from the date of the final order. In the event a nuisance is confirmed, administrative and removal costs to the city may also be assessed at the hearing should the owner or occupant fail to remove the nuisance pursuant to the final order. If it is found that a public nuisance does not exist, abatement authority shall be denied.

(f) Appeals from adverse decisions rendered by the municipal judge may be made to the district court in the same manner as an appeal from an adverse decision rendered by an agency in a contested case under the provisions of Section 16-3-114 of the Wyoming Statutes, 1977.

(g) In the event a request for hearing or appeal, as provided, is not filed, the right to a hearing shall be considered to have been waived.

8.20.070 - Correction or abatement by town—Recovery of costs.

(a) Any abatement of nuisance by city shall be in accordance with the proposal specified in the notice of violation, or such other means as is found to be reasonable at the time of abatement. The town shall make an effort to abate the nuisance at the least destructive or intrusive manner as is reasonable under the circumstances.

(b) Any materials removed and salvaged by the city in the abatement of the public nuisance may be sold for salvage and the proceeds deposited into the general account of the town. Those funds shall be applied to offset the cost of the abatement by the city, with any excess funds being sent to the owner of the property.

(c) The town shall be entitled to employ private contractors to assist in the abatement of the public nuisance and use salvage funds to reimburse the expenses incurred therein. If private contractors are utilized, the city shall impose a twenty (20) percent administrative fee on the offending property owner.

(d) after compilation of the costs and charges incurred by the city for the abatement of the public nuisance, offset by any receipt of funds for salvaged materials, the city shall mail by certified mail, return receipt requested to the owner of the property a statement of the outstanding balance owed by the owner to the town for the nuisance abatement. Such balance shall be due and owing not more than thirty (30) days following the mailing of the notice. The statement shall also include a statement of the rights of the owner to appeal such amounts as have been expended on the abatement of the nuisance within ten (10) business days of the date of mailing.

(e) If the owner of the property wishes to contest the amount that was expended on the nuisance abatement, or the amount received from the salvaged materials, he may file a written notice of appeal, in person or by certified mail, with the clerk of the municipal clerk within ten (10) business days from the date of mailing of the statement of charges. If no appeal is filed within that period, the appeal shall be deemed waived and the statement amount shall be immediately due and owing to the city.

(f) If the owner files an appeal of the amount owed, then the matter shall be set for hearing with the municipal judge within twenty (20) days from the date the notice is received by the clerk.

(g) If payment in full is not received by the city within thirty (30) business days from the time the statement became final, then such shall be entered as a lien against the property and filed with Natrona County. Further, the city may take appropriate action to collect the same, including, but not limited to, referral to a collection agency, reducing costs to judgment, or making the costs a special assessment or lien on the property involved. The foregoing cost, judgment, assessment or lien shall be in addition to any other penalty imposable under this chapter or any other lawful statute.

8.20.080 - Penalty for noncompliance.

(a) It shall be the duty of any person receiving a notice of a public nuisance as provided in this chapter to comply with the provisions of the notice and to respond to such notice within ten (10) days from the date on the notice, and if such person shall fail or refuse to abate such nuisance within ten (10) days from the date on the notice without just cause or within an extension of time given by the city Code Enforcement Officer, or the time established by the municipal judge after a hearing, such failure is declared to be unlawful and shall constitute a misdemeanor. Every twenty-four (24) hour period such nuisance persists to exist shall constitute a separate violation.

(b) It is unlawful and shall constitute a misdemeanor for any person, within ten (10) days from the date on the notice, to remove any vehicle or junk from private property to any other private property upon which storage is not permitted, or onto any public property.

(c) A violator may be assessed a fine of up to seven hundred fifty dollars (\$750.00). In addition to the fine, the court may also order the nuisance abated and assess any costs incurred by [the] city to abate nuisance if the nuisance is not abated by the violator. All fines obtained on convictions under this section shall be forwarded to the city's general fund to be utilized for costs the city incurs for nuisance abatement.

8.20.090 - Reserved.

8.20.095 - Waiver of abatement costs.

(a) Notwithstanding the other provisions of the ordinance codified in this section, the cost of abating a nuisance shall be waived for those Wyoming residents meeting the same resource eligibility requirements under W.S. 39-11-109(c)(ii) through (vii). All persons wishing to qualify for waiver of nuisance abatement costs must:

- (i) Furnish proof of the age and/or income requirements as set forth in W.S. 39-11-109(c)(ii) through (vii);
- (ii) Must own, or be in the process of purchasing the property from which the nuisance is abated; and
- (iii) Be living on the property from which the nuisance is abated.

(b) Applications for waiver of nuisance abatement costs shall be filed with the city administrator on forms supplied by the city, within ten (10) days after receipt of a notice of assessment. All information required to be given on such form shall be supplied and verified by the applicant. The maximum amount that may be waived under this section for any one (1) parcel of real property or any one (1) person shall be five hundred dollars (\$500.00) per calendar year and shall be the determination of the city administrator or the municipal judge.

8.20.097 - Personal liability of owner.

The owner of the property on which a public nuisance was abated by the Town shall be personally liable to the city for the reasonable costs incurred as a result of that abatement.

8.20.099 - Removal—Voluntary consent—Affidavit.

The author of a nuisance may voluntarily consent to its removal by the town. To give such consent, all responsible persons of the property shall execute an affidavit acceptable to the city administrator, stating that there are no other responsible person(s) of the property; that the responsible person(s) waive the right to hearing under Section 8.20.064; that the responsible person(s) will reimburse the town for the actual costs of removal and administrative overhead attributable to removal; and that reimbursement will be made to the town within thirty (30) days of removal. The affidavit shall contain an agreement by the responsible person(s) to indemnify the town for any loss, damage or expense alleged by any person as a result of removal or disposal. The affidavit shall release the town from any and all liability on account of the removal and disposal of a nuisance.

8.20.100 - Vacant and occupied structures and land.

All property or premises, vacant or occupied, shall be maintained in a clean, safe, secure and sanitary condition so as not to adversely affect health and safety. All doors, windows and other openings of vacant structures shall be secured to prevent unauthorized entry. Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings and the procedure for abatement of such condition shall be pursuant to such Code. Failure to comply with an order issued under such Code shall be a violation of Section 15.09.020 of the Mills Municipal Code.

8.20.102 - Other methods of abating nuisances.

Nothing in this title shall be deemed to limit the use of other lawful methods of abating nuisances, including, but not limited to, taking action in district court.

8.20.104 - Severability.

If any section, subsection, sentence, clause, phrase or portion of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter.

8.20.110 - Offensive drains, pools and sewers—Grading and drainage.

(a) It is unlawful to cause or permit any cellar, private drain, ditch, pool, sewer or other thing or place upon any premises to become foul, offensive, or injurious to public health.

(b) All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. It is unlawful to permit water to stand on any lot or premises 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 until such water supports mosquito breeding.

(c) Roof water shall not be discharged in a manner that creates a public nuisance.

Exception: Approved retention areas and reservoirs.

8.20.120 - Open cellars, pits or vaults.

It is unlawful to leave, keep open, or cause to be left open, unattended or unprotected any cellar door, pit, grating or cap of any vault or other subterraneous opening so that passersby may fall in or may be in danger of falling into such opening.

8.20.130 - Protection for excavations.

It is unlawful to make any excavation, dig any hole, drain, ditch or other opening without providing proper protection by a fence or suitable safety obstruction around such excavation in such a manner as to prevent persons or vehicles from falling into the same. Such fences or safety obstructions shall be readily visible at any time of the day or night by pedestrians, motorized and nonmotorized traffic.

8.20.140 - Individual sewage disposal systems.

It is unlawful to operate or use any individual sewage disposal system, privy or sewage vault within the city limits, unless authorized by the city.

8.20.150 - Discharging offensive fluid matter.

It is unlawful to discharge or permit to be discharged or flow from any premises into or onto any adjacent property, any foul, noxious or malodorous liquid or any fluid matter that is or may become offensive.

8.20.160 - Accumulation of refuse, garbage, debris and junked vehicles.

It is unlawful for any person owning or occupying a lot or premises, or for that person's agent, to permit or cause the accumulation of garbage, refuse, or debris as defined in this section upon the lot or premises which causes or tends to cause substantial loss in the value of other property in the neighborhood in which such premises are located or which is found to be injurious to the health, safety and general welfare of the public. 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.

"Debris" means discarded automobile parts or tires, household appliances, furniture or equipment, billboard refuse, silt from automobile wash racks, dead animals, large or bulky boxes, barrels, tanks or containers, any refuse resulting from the 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 inflammable nature, or anything whatsoever which may be found to be unsanitary, dangerous or injurious to the health, safety and general welfare of the public.

"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 health.

"Refuse" means any and all grass clippings, leaves, weeds, or other yard waste, hay, straw, paper, rubbish, containers, glass, cans, bottles and any and all other material commonly known as rubbish or refuse of any kind, except as excluded in this chapter.

8.20.165 - Junked vehicles, and unlicensed or inoperative vehicles.

It is unlawful for any person owning or occupying a lot or premises, or for that person's agent, to permit or cause the accumulation of junked vehicles upon the lot or premises. Nothing in this section is intended to prohibit the accumulation of such junk vehicles in or upon establishments or premises lawfully authorized and/or expressly permitted.

(a) "Junked vehicle" means any vehicle originally designed or constructed to be self-propelled, regardless of whether it contains an engine, including, without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, off-road vehicles, and boats on private property which are found to either:

- (i) Be wrecked, abandoned, dismantled, partially dismantled, discarded, or inoperative;
- (ii) Promote blight and deterioration;
- (iii) Invite plundering;
- (iv) Create fire hazards;
- (v) Create a harborage for insects, rodents, skunks and other vermin;
- (vi) Constitute an attractive and dangerous nuisance creating a hazard to the health and safety of minors; or
- (vii) Which causes or tends to cause substantial loss in the value of other property in the neighborhood in which such premises are located or which is found to be injurious to the health, safety and general welfare of the public.

(b) For purposes of this section, any one (1) of the following nonexclusive circumstances existing prior to, or at the time notice is delivered, shall be considered evidence that a vehicle upon private property constitutes a public nuisance:

- (i) Not less than thirty (30) days have passed without the vehicle being removed or screened;
- (ii) A vehicle which is totally or partially suspended above the ground by jacks, blocks or other devices, except for a vehicle undergoing active repair, for up to forty-eight (48) hours when the same is being repaired;
- (iii) A vehicle which does not display a current license plate, tag or valid temporary permit, except those in possession of licensed dealers for the purpose of sale at the place licensed for the sale;
- (iv) A vehicle which is inoperative, or in a state of major disassembly or disrepair, or which is in the process of being stripped or dismantled, other than for up to thirty (30) days when repairing the same; or
- (v) A racecar that is not currently actively engaged in racing and equipped for racing with roll cage, windows removed, driver's name, sponsors and/or number displayed. Any racecar shall be concealed behind a six (6) foot opaque fence or within an enclosed building, with the exception of not more than ten (10) days prior to or following the date of the race event.
- (vi) Demolition derby cars; or vehicles in an operable condition specifically adapted or constructed for exclusive operation on raceways, or parts thereof shall be considered junked vehicles ten days (10) following the demolition race in which they were used.

Demolition derby cars shall not be permitted on residential property more than fourteen (14) days prior to the event in which the demolition derby racecar is entered. Proof of event registration may be required.

Within no more than ten (10) days following the date of the race event, any demolition derby car shall be concealed behind a six (6) foot opaque fence or within an enclosed building.

(c) Exceptions. This section does not apply to:

- (i) Vehicle storage incident to an automobile sales, towing, storage or repair business operated in compliance with all applicable law; or
- (ii) The storage of wrecked, junked or inoperative vehicles by a lawful salvage business operating in compliance with all applicable law; or

- (iii) For use in refurbishing and restoring vehicles as a hobby, a property owner may keep on his/her property no more than two (2) unlicensed or inoperative vehicles and materials involved with the repair and restoration of those vehicles, provided the vehicles and materials are effectively concealed from view.

"Effectively concealed from view" means any vehicle which is maintained in such a manner that it does not constitute a health hazard, does not attract children, rodents or pests, and which is located so that it is not readily visible from a public place or surrounding private property, or is enclosed in a building, or is completely covered with an intact, opaque cover, or is concealed behind appropriate opaque fencing.

8.20.170 - Burning garbage and refuse.

It is unlawful for any person 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 city without first having obtained written permission from the "Fire Chief".

8.20.175 - Private roads.

Private roads are defined as any way or place, whether paved or unpaved, in private ownership and maintenance used for vehicular travel by the owner and those having express or implied permission from the owner, which provides access to three (3) or more residences, and which is not dedicated as a city street.

Maintenance of private roads shall be the sole responsibility of the landowner(s).

All private roads shall, at a minimum and unless otherwise specified in this code, be graded in such a way as to be maintained free from potholes, ruts, and other obstructions, and to provide adequate drainage from the road surface for the provision of safe and convenient vehicular access from abutting streets for area residents, emergency responders, and utility providers. Road surfaces shall be comprised of a minimum of three (3) inches of compacted gravel or an alternative aggregate approved by the city engineer, with appropriate measures to control dust. Dirt, mud, gravel or aggregate tracked onto paved, public streets must be removed as soon as practical.

Upon notification of violation of these conditions, the owner of said roads shall have ten (10) days from the date of the notice to bring the streets into compliance, as outlined in Section 8.20.062 of this code. As specified in that section, one (1) twenty (20) day extension may be granted by the Code Enforcement Officer. Any additional extension shall be based on extraordinary circumstances and at the discretion of the community development department. In the event that the road is not timely brought into compliance, the city shall have recourse to all enforcement options enumerated within title 8.20 of this code.

8.20.180 - Sidewalks, driveways and parking lots.

(a) All sidewalks, walkways, stairs, driveways, parking lots and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(b) It is unlawful 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 is held responsible for keeping the sidewalk and gutter adjacent to such building free of any accumulation of dirt, papers or refuse.

8.20.190 - Removal of snow and ice.

(a) Sidewalks. Owners and/or occupants of property abutting a sidewalk shall, after a snowfall, remove snow, ice or slush from such sidewalks and maintain them free of the same. If any owner or occupant of the property fails to comply with this subsection, the city may, after a reasonable effort to contact the owner and/or occupant either in person or by telephone, have the snow ice or slush removed and charge the owner or occupant for the costs thereof, as provided in Section 8.20.070.

(b) It is unlawful for any person to remove snow from private property and place the same on a public street in such quantity, or in such a manner, as to cause a hazard to travel, without adequate arrangements for the immediate removal thereof.

8.20.200 - Weeds—Composting exception.

(a) For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

- (i) "Native areas" means those areas adjacent to the city's open drainageways and areas of natural groundcover, and/or areas of extreme topography.
- (ii) "Drainageways" means a route or course along which water moves or may move to drain a region.
- (iii) "Wood plants" means perennial plant materials such as trees, shrubs, vines and groundcovers with woody fiber, which serve as desirable flora components of an urban landscape.

(b) Weed Removal. All premises and adjoining property, including the space between such property and the street and that portion of the alley adjoining such property, and the sidewalk areas abutting thereon, shall be maintained free from weeds and untended growth of vegetation in excess of ten (10) inches in height. The presence of such weeds may create a fire, safety or health hazard, or may attract vermin either on the property, on neighboring properties, or on both. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated

flowers, gardens and lawns. Nothing in this subsection is intended to prohibit the use of tall, decorative grasses or plants as part of a landscaping or xeriscaping scheme.

Exception. Tracts of land greater than two (2) acres in size which are unsubdivided and unimproved and/or subdivided but unimproved, and under single ownership. Fire break required as per subsection C.

(c) Fire Break Required.

- (i) It is the duty of every owner of any lot, or parcel of ground in the city, to mow and maintain a strip for a fire break between their private property and the native areas adjoining the property. The width of the fire break shall be determined by the Community Development Department, and shall be based on the height, type and amount of growth, wind and geographical conditions, and type of exposure threatened.
- (ii) Tracts of land greater than two (2) acres in size which are unsubdivided or subdivided and unimproved, and under single ownership shall be mowed a minimum of ten (10) feet from the property line into the property or twenty (20) feet when adjacent to residential neighborhoods unless otherwise specified by the Community Development Department as per subsection C.1.
- (iii) Drainageways, excluding the North Platte River, shall be mowed a minimum of ten (10) feet extending out from the top of the bank. When drainageways are adjacent to residential neighborhoods, they shall be mowed a minimum of twenty (20) feet extending out from the top of the bank. Woody plants located within this area are exempt from having to be mowed. The Code Enforcement Officer, for reasons of erosion, spoilage of natural groundcover, etc., can deem the mowing of the drainageway to be impractical, and exempt from the mowing requirement.
- (iv) Native areas and/or areas of extreme topography, as determined by the Community Development Department, and the natural vegetation contained therein, are exempt from the weed removal and height limitation provisions of this chapter with the exception of subsection C.1.

(d) Composting Exception. The provisions of subsection A. do not prohibit the maintenance of a compost pile on residential property, so long as the compost pile does not create a hazard and is:

- (i) Contained;
- (ii) Maintained so as not to produce offensive odors or attract flies or vermin;

- (iii) Located, insofar as reasonably possible, so that it is not visible from abutting properties or streets;
- (iv) Maintained in compliance with all rules, regulations and procedures that may be promulgated by the public works director.

8.20.205 - Trees and shrubs.

(a) Definitions. For this chapter, the following words and phrases shall have the following meanings:

- (i) "Arborists" are herein defined as any person, firm, or corporation engaged in the business of cutting, trimming, pruning, spraying, injecting chemicals, or removing trees or shrubs for compensation.
- (ii) "City property" means all city-owned property, including parks, and dedicated rights of way and other real property.
- (iii) "Park trees" are hereby defined as trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the city.
- (iv) "Public Nuisance" means any dangerous or unsafe tree or portions thereof on streets or alleys, in parks, on other public places, and private property, or posing a hazard thereof; any destructive or communicable disease or pestilence which endangers the growth, health, life, or well-being of trees or shrubs in the city.
- (v) "Street trees" are hereby defined as trees on land lying between property lines on either side of all streets, avenues, alleys, or right of ways within the city.
- (vi) "Tree Topping" is described as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the crown to such a degree so as to remove the normal canopy and disfigure the tree.

(b) Trees to be Trimmed. Every owner or occupant of any real property shall trim all trees on property owned or occupied by him which are overhanging the sidewalks, streets or alleys so that the branches thereon will not interfere with pedestrians or public travel. Same shall be trimmed so that all parts shall be at least eight (8) feet above any sidewalk it may overhang. Same shall be trimmed so that all parts shall be at least fourteen (14) feet above any street or alley it may overhang.

If a tree, or any of its parts, adjoining boulevards, or alley ways, on private property in any way causes a hindrance to the general public, or in any way endangers the security and usefulness of any public street, highway, alley, utility, or sidewalk, the same is hereby declared a nuisance. The city shall issue a written notice requiring the owner or agent to correct or remove said nuisance

within ten (10) days, unless such nuisance constitutes a traffic safety hazard, in which case the owner shall be required to abate the hazard within three (3) days. If the owner or agent does not correct said nuisance within the time specified, the city shall cause the same to be corrected or removed, and the costs thereof shall be billed to the property owner at a rate equal to one and one half (1½) times or a citation will be issued by the Code Enforcement Officer.

(c) Hedges and Shrubbery. Every owner or occupant of any real property shall trim all hedges and shrubbery adjacent to public sidewalks so that no part of said hedges and/or shrubbery shall extend over any part of a public sidewalk in the city and/or streets and alleys so that no part of said hedges and/or shrubbery shall extend over any part of a street or alley. In case of corner lots, there shall be no hedges or shrubbery within the triangle, having its sides fifteen feet (15) each way from the corner of said lot facing the two (2) streets, and there shall be no other plants over two feet (2) high within such triangle.

(d) Injury to Trees or Shrubbery. It is hereby declared unlawful for any person, not the owner thereof, or without lawful authority to do so, to willfully injure, destroy, deface, disfigure or demolish any fruit, shade or ornamental tree or shrub, growing, standing or being either on private ground or any street, parking area, public park or place within the city.

(e) Attachment of Signs, Notices, Wires or Ropes. It shall be unlawful to attach any sign, advertisement, or notice to any tree or shrub on city property. It shall be unlawful to attach any wire or rope to any tree or shrub in any public street, parkway, or other city property without the approval of the Parks Department.

(f) Street Corners. Trees and bushes shall be trimmed in a manner which does not prevent visibility at street corners or intersections.

(g) Fire Hydrants. Trees and bushes shall be trimmed in a manner which provides clear visibility of and accessibility to hydrants as determined by the "Fire Chief".

(h) Existing Trees. Trees in existence and growing at the date of the ordinance from which this section is derived shall be exempt from setback requirements.

8.20.210 - Rodent and insect harborage.

(a) The interior of all buildings and structures shall be kept free from insect and rodent harborage and infestation where such infestation threatens the public health, safety or welfare. Where rodents or insects are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate insect and rodent harborage and prevent reinfestation.

(b) All exterior premises shall be kept free from infestation of insects, rodents and other noxious pests where such infestation threatens the public health, safety or welfare.

(c) Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous

Buildings and the procedure for abatement of such condition shall be pursuant to such Code. Failure to comply with an order issued under such Code shall be a violation of the town of Mills municipal ordinance with a fine as per the general offenses.

8.20.215 - Interior sanitation.

(a) The interior of every building or structure shall be maintained free from any unsafe or unsanitary accumulation of refuse and garbage.

(b) All sanitary facilities shall be installed and maintained in a safe and sanitary condition.

(c) Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings and the procedure for abatement of such condition shall be pursuant to such Code. Failure to comply with an order issued under such Code shall be a violation of Section 15.09.020 of the Mills Municipal Code.

8.20.220 - Structure exteriors, accessory structures, fences and walls.

(a) Structure exteriors, including fences and walls, shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare.

(i) All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in good condition.

(ii) Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, shall be maintained structurally sound, and in good repair.

(iii) All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

(iv) Basement hatchways that provide access shall be equipped with devices that secure the unit from unauthorized entry. Such basement hatchways shall also be maintained to prevent the entrance of rodents, rain and surface water.

(b) All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(c) Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings and the procedure for abatement of such condition shall be pursuant to such Code.

Failure to comply with an order issued under such Code shall be a violation of the town of Mills municipal ordinance with a fine as per the general offenses.

8.20.230 - Dilapidated structures.

Buildings or structures that are so deteriorated, damaged, dilapidated, or in need of repair so as to present a threat to the public health, safety and welfare of the community constitute a nuisance and shall be abated by repair, rehabilitation or demolition as provided in Chapter 15.09 of this code.

Chapter 8.30
ABATEMENT OF DANGEROUS BUILDINGS

8.30.010 -- Uniform Code for the Abatement of Dangerous Buildings.

The 1997 Uniform Code for the Abatement of Dangerous Buildings is amended and adopted by the Town of Mills, Wyoming as set forth below:

TITLE AND SCOPE

8.30.020 – TITLE

These regulations shall be known as the Uniform Code for the Abatement of Dangerous Buildings, may be cited as such, and will be referred to herein as “this code.”

8.30.102 – Purpose

102.1 Purpose. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

102.2 Scope. The provisions of this code shall apply to all dangerous buildings, as herein defined, which are now in existence or which may hereafter become dangerous in this jurisdiction.

8.30.103– ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the applicable provisions of the Building Code of the Town of Mills.

Chapter 2
ENFORCEMENT

8.30.201 – GENERAL

201.1 Administration. The building officials of the Town of Mills and Code Enforcement are hereby authorized to enforce the provisions of this code.

The building officials shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Inspections. A designated Health Officer, the “Fire Chief” and the building officials are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

201.3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building officials or the building official’s authorized representative or Code Enforcement has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

“Authorized representative” shall include the officers named in Section 201.2 and their authorized inspection personnel.

8.30.202– ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

8.30.203 – VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

8.30.204 – INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and the applicable sections of the Building Code.

8.30.205 – BOARD OF APPEALS

205.1 The Town Council shall perform all duties and shall have all authorities pertaining to appeals under this Chapter. The Town Council shall act as the Board of Appeals under this code.

Chapter 3 **DEFINITIONS**

8.30.301 – GENERAL

For the purpose of this code, certain terms, phrases, words, and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

(a) "BUILDING CODE" is the Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

(b) "DANGEROUS BUILDING" is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

(c) "HOUSING CODE" is the Uniform Housing Code promulgated by the International Conference of Building Officials, as referred to by this Code.

8.30.302 – DANGEROUS BUILDING

For the purpose of this code any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

(a) Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.

(b) Whenever the walking surface of any aisle, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.

(c) Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.

(d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

(e) Whenever any portion or member or appurtenance thereof likely to fail, or to become detached or dislodged, or to collapse and hereby injure persons or damage property.

(f) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the work stresses permitted in the Building Code for such buildings.

(g) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(h) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(i) Whenever, for any reason, the building or structure, or portion thereof, is manifestly unsafe for the purpose for which it is being used.

(j) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

(k) Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(l) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(m) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or

Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

(n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(p) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire resistant construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

(q) Whenever any building or structure is in such a condition as to constitute a public nuisance known to common law or in equity jurisprudence.

® Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

Chapter 4 **NOTICES AND ORDERS**

8.30.401 – GENERAL

401.1 Commencement of Proceedings. When the building official has inspected or caused to be inspected any building and has found and determined that such building is dangerous building, the building official shall commence proceedings to cause the repair, vacation or demolition of the building.

401.2 Notice and Order. The building official shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

(a) The street address and a legal description sufficient for identification of the premises upon which the building is located.

(b) A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.

- (c) A statement of the action required to be taken as determined by the building official.
 - (i) If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.
 - (ii) If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.
 - (iii) If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.

(d) Statements advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official (i) will order the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner.

(e) Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

401.3 Service of Notice and Order. The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

401.4 Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail,

postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

401.5 Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

8.30.402 – RECORDATION OF NOTICE AND ORDER

If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the county clerk a certificate describing the property and certifying (i) that the building is a dangerous building and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a dangerous building on the property described in the certificate, the building official shall file a new certificate with the county clerk certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

8.30.403 – REPAIR, VACATION AND DEMOLITION

The following standards shall be followed by the building official (and by the board of appeals if an appeal is taken) in ordering the repair, vacation or demolition of any dangerous building or structure:

(a) Any building declared a dangerous building under this code shall be made to comply with one of the following:

- (i) The building shall be repaired in accordance with the current building code or other current code applicable to the type of substandard conditions requiring repair; or
- (ii) The building shall be demolished at the option of the building owner; or
- (iii) If the building does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.

(b) If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or its occupants, it shall be ordered to be vacated.

8.30.404 – NOTICE TO VACATE

404.1 Posting. Every notice to vacate shall, in addition to being served as provided in Section 401.3, be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

Town of Mills, Wyoming

404.2 Compliance. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 401.2, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain or enter any building which has been so posted, except that entry may be made to repair, demolish, or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

Chapter 5 APPEAL

8.30.501.1 Form of Appeal. Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the building official under this code by filing with the Town Clerk a written appeal containing:

- (a) A heading in the words: "Before the Town Council of the Town of Mills, Wyoming."
- (b) A caption reading: "Appeal of ...," giving the names of all appellants participating in the appeal.
- (c) A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
- (d) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
- (e) A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

(f) The signatures of all parties named as appellants and their official mailing addresses.

(g) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official.

501.2 Processing of Appeal. Upon receipt of any appeal filed pursuant to this section, the building official shall present it at the next regular or special meeting of Town Council, which shall sit as the appellate body.

501.3 Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the written appeal, the Town Council shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the building official. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the board either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

8.30.502 – EFFECT OF FAILURE TO APPEAL

Failure of any person to file an appeal in accordance with the provisions of Section 501 shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.

8.30.503 – SCOPE OF HEARING ON APPEAL

Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

8.30.504 – STAYING OF ORDER UNDER APPEAL

Except for vacation orders made pursuant to Section 404, enforcement of any notice and order of the building official issued under this code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

8.30.505 – APPEAL OF HEARING EXAMINER DECISIONS

An appeal of a decision made by the Town Council shall be to the Seventh Judicial District, Natrona County Wyoming and as controlled by the Wyoming Administrative Procedures Act.

This appeal shall be filed within twenty-one (21) days of the date the decision or action became final. Notice of the appeal and any other pleading required to be filed with the Court shall

be served on the Town Clerk and Town Attorney within the applicable time period. This requirement is jurisdictional. The cost of transcribing and preparing all records ordered certified by the Court or required, at the reasonable discretion of the City Attorney, for such appeal, shall be borne by the appellant.

8.30.506 – APPEAL FEES

At the time of filing an appeal, the appellant shall pay all fees as established in the Town’s fee schedule and shall be responsible for the payment of all applicable fees throughout the appeal process.

Chapter 6 **PROCEDURES FOR CONDUCT OF HEARING APPEALS**

8.30.601 – GENERAL

601.1 Hearing Examiners. All actions and procedures in Chapter 6 of this Code shall be carried out by the Town Council. The Town Council shall submit a decision within 30 days from the date the hearing is closed. The Town Council may, should it choose to do so, appoint a Board of Hearing Examiners or a Hearing Examiner for any appeal or hearing authorized under this code.

601.2 Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the Town Council.

601.3 Continuances. The Town Council may grant continuances for good cause shown; however, when a hearing examiner has been assigned to such hearing, no continuances may be granted except by the examiner for good cause shown so long as the matter remains before the examiner.

601.5 Oaths – Certification. In any proceedings under this chapter, the Town Council, any Town Council member, or the hearing examiner has the power to administer oaths and affirmations and to certify to official acts.

601.5 Reasonable Dispatch. The Town Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

8.30.602 – FORM OF NOTICE OF HEARING

The notice to appellant shall be substantially in the following form, but may include other information:

“You are hereby notified that a hearing will be held before the Town Council of the Town of Mills at.....on the day of, 2....., at the hour, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence

and will be given full opportunity to cross-examine all witnesses testifying against you.”

8.30.603 – SUBPOENAS

603.1 To the extent allowable by law, the Town and the Appellant may serve subpoenas under those procedures then in place under the Wyoming Administrative Procedures Act.

8.30.604 – CONDUCT OF HEARING

604.1 All hearings will be conducted in accordance with the Wyoming Administrative Procedures Act.

Chapter 7
ENFORCEMENT OF THE ORDER OF THE BUILDING OFFICIAL
OR TOWN COUNCIL

8.30.701 – COMPLIANCE

701.1 General. After any order of the building official or the Town Council sitting as an administrative panel made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

701.2 Failure to Obey Order. If, after any order of the building official or Town Council made pursuant to this code has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the building official may (i) cause such person to be prosecuted under Section 701.1 or (ii) institute any appropriate action to abate such building as a public nuisance.

701.3 Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days after any final notice and order issued under this code becomes effective:

(a) The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING

DO NOT OCCUPY

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official

Town of Mills, Wyoming

(b) No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.

(c) The building official may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished, and the cost thereof paid and recovered in the manner hereinafter provided in this code. Any surplus realized from the sale of any such building, or from the demolition thereof, over and above the cost of demolition and of cleaning the lot, shall be paid over to the person or persons lawfully entitled thereto.

8.30.702 – EXTENSION OF TIME TO PERFORM WORK

Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the building official may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or demolition, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect the time to appeal the notice and order.

8.30.703 – INTERFERENCE WITH REPAIR OR DEMOLITION WORK PROHIBITED

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this code; or with any person to whom such building has been lawfully sold pursuant to the provisions of this code, whenever such officer, employee, contractor or authorized representative of this jurisdiction, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this code, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this code.

Chapter 8 **PERFORMANCE OF WORK OF REPAIR OR DEMOLITION**

8.30.801 – GENERAL

801.1 Procedure. When any work of repair or demolition is to be done pursuant to Section 701.3, Item 3, of this code, the building official shall, issue an order therefor to the director of public works and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of said director. Plans and specifications therefor may be prepared by said director, or the director may employ such architectural and engineering assistance on a

contract basis as deemed reasonably necessary. If any part of the work is to be accomplished by private contract, standard public works contractual procedures shall be followed.

801.2 Costs. The cost of such work shall be paid from the repair and demolition fund, and may be made a special assessment against the property involved, or may be made a personal obligation of the property owner, whichever the legislative body of this jurisdiction shall determine is appropriate.

8.30.802 – REPAIR AND DEMOLITION FUND

802.1 General. The legislative body of this jurisdiction shall establish a special revolving fund to be designated as the repair and demolition fund. Payments shall be made out of said fund upon the demand of the director of public works to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of repair or demolition of dangerous buildings.

802.2 Maintenance of Fund. The legislative body may at any time transfer to the repair and demolition fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or demolition, and any sum so transferred shall be deemed a loan to the repair and demolition fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the treasurer of this jurisdiction who shall credit the same to the repair and demolition fund.

Chapter 9

RECOVERY OF COST OF REPAIR OR DEMOLITION

8.30.901 – ACCOUNT OF EXPENSE, FILING OF REPORT

The director of public works shall keep an itemized account of the expense incurred by this jurisdiction in the repair or demolition of any building done pursuant to the provisions of Section 701.3, Item 3, of this code. Upon the completion of the work of repair or demolition, said director shall prepare and file with the clerk of this jurisdiction a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 401.3.

8.30.902 – NOTICE OF HEARING

Upon receipt of said report, the clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for consideration. The legislative body of this jurisdiction shall fix a time, date and place for hearing said report and any protests or objections thereto. The clerk of this jurisdiction shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the clerk. Such notice shall be given at least 10 days prior to the date set for the hearing and shall specify the day,

hour and place when the legislative body will hear and pass upon the director's report, together with any objections or protests which may be filed as hereinafter provided by any person interested

8.30.903 – PROTESTS AND OBJECTIONS

Any person interested in or affected by the proposed charge may file written protests or objections with the clerk of this jurisdiction at any time prior to the time set for the hearing on the report of the director. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The clerk of this jurisdiction shall endorse on every such protest or objection the date of receipt. The clerk shall present such protests or objections to the legislative body of this jurisdiction at the time set for the hearing, and no other protests or objections shall be considered.

8.30.904 – HEARING OF PROTESTS

Upon the day and hour fixed for the hearing, the legislative body of this jurisdiction shall hear and pass upon the report of the director together with any such objections or protests. The legislative body may make such revision, correction or modification in the report or the charge as it may deem just; and when the legislative body is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the legislative body of this jurisdiction on the report and the charge, and on all protests or objections, shall be final and conclusive.

8.30.905 – PERSONAL OBLIGATION OR SPECIAL ASSESSMENT

905.1 General. The legislative body of this jurisdiction may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved, providing that the law of the State of Wyoming allows for such an assessment.

905.2 Personal Obligation. If the legislative body of this jurisdiction orders that the charge shall be a personal obligation of the property owner, it shall direct the attorney for this jurisdiction to collect the same on behalf of this jurisdiction by use of all appropriate legal remedies.

905.3 Lien upon the property. If the legislative body of this jurisdiction orders that the charge shall be assessed against the property, it shall confirm the assessment, cause the same to be recorded as a lien on the property. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state, county and property taxes with which it shall be upon a parity. The lien shall continue until the assessment and all interest due and payable thereon are paid.

905.4 Interest. All such amounts remaining unpaid after 30 days from the date of recording on the lien shall become delinquent and shall bear interest at the rate of 7 percent per annum from and after said date.

8.30.906 – CONTEST

The validity of any lien made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the lien is recorded

as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.

8.30.907 – AUTHORITY FOR INSTALLMENT PAYMENT WITH INTEREST

The legislative body of this jurisdiction, in its discretion, may determine that amount assessed under this Chapter in amounts of \$500.00 or more shall be payable in not to exceed five equal annual installments. The legislative body's determination to allow payment of such amounts in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by a resolution adopted prior to the confirmation of the amount.

8.30.908 – FORECLOSURE

The amounts owed may be foreclosed upon as a debt owed to the town at the time determined by the Town and sold pursuant to law after proper notice is given to the parties entitled to the same.

Should the amounts owed be capable of being recorded as an assessment by the Town, they shall be so recorded and foreclosed upon at the same time as other unpaid assessments.

8.30.909 – REPAYMENT OF REPAIR AND DEMOLITION FUND

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the repair and demolition fund.