

ORDINANCE NO. 762

**AN ORDINANCE REPEALING THE EXISTING TITLE 12 ON STREETS, SIDEWALKS AND PUBLIC SPACES IN ITS ENTIRETY AND REPLACING IT WITH A NEW TITLE 12 ON GENERAL OFFENSES**

**WHEREAS**, The City of Mills, Wyoming has had the occasion to review Title 12 of its Ordinances and to revise the same; and

**WHEREAS**, after said review and due deliberation, the City of Mills has decided that the attached text better serves the needs of the public and the City of Mills as of the current date;

**NOW THEREFORE**, The City Council of the City of Mills hereby repeals the entire exiting Title 12 and replaces the same with the attached text, which shall be the new Title 12 upon the effective date of adoption

This ordinance shall be in full force and effect upon passage on three readings and publication.

PASSED on 1<sup>st</sup> reading the 9<sup>th</sup> day of March, 2021.

PASSED on 2<sup>nd</sup> reading the 23<sup>rd</sup> day of March, 2021.

PASSED, APPROVED AND ADOPTED on 3<sup>rd</sup> and final reading this 13<sup>th</sup> day of April, 2021.

TOWN OF MILLS, WYOMING

[Signature]  
Seth Coleman, Mayor

[Signature]  
Sara McCarthy, Council

[Signature]  
Darla R. Ives, Council

[Signature]  
James Hollander, Council

[Signature]  
Brad Neumiller, Council

ATTESTED:  
[Signature]  
Christine Trumbull, Town Clerk



4/15/2021 2:04:47 PM  
Pages: 35  
1101874  
Tracy Good  
Recorded: SA  
Fee: \$114.00  
CITY OF MILLS  
NATRONA COUNTY CLERK

## **TITLE 12 - STREETS, SIDEWALKS AND PUBLIC PLACES**

### Chapters:

<u>12.04</u>	<u>Arterial and Collector Streets</u>
<u>12.08</u>	<u>Curbwalks, Sidewalks, Curbs and Gutters</u>
<u>12.12</u>	<u>Curb Cuts and Driveways</u>
<u>12.16</u>	<u>Street Excavations</u>
<u>12.20</u>	<u>Erosion and Sediment Control</u>
<u>12.24</u>	<u>Obstructions</u>
<u>12.28</u>	<u>House Numbering</u>
<u>12.32</u>	<u>Trees and Shrubs</u>
<u>12.36</u>	<u>Parks</u>

### **CHAPTER 12.04** **ARTERIAL AND COLLECTOR STREETS**

#### **12.04.010 Arterial and Collector Streets Defined**

For the purpose of this chapter, the term "arterial street," means a high-capacity roadway designed to provide continuity between neighborhoods and other arterial and freeway street systems. The main channels (high-capacity roadway) for the movement of traffic in an urban area which are generally wider than local streets and are given preference in signing and signalization. The term "collector street" means a secondary channel designed to penetrate neighborhoods from which local traffic is collected and channeled to the arterial street system.

#### **12.04.020 Arterial and Collector Streets Designated**

The arterial and collector streets covered under this chapter shall be those which are on the Wyoming Department of Transportation Urban Roadway Functional Classification List.

### **CHAPTER 12.08** **CURBWALKS, SIDEWALKS, CURBS AND GUTTERS**

#### **12.08.005 Definitions**

As used in this chapter, the following terms are defined in this section:

- (a) "Applicant" means any person making written application to the City to construct or reconstruct curbwalks, sidewalks, curbs and gutters.
- (b) "Asphaltic Concrete Pavement" means a mixture of black bituminous material and stone, laid hot and rolled until nearly free of voids, herein referred to simply as asphalt.
- (c) "Grade" means the fall or rise per unit horizontal length of a structure.

(d) "Longitudinal Grade" means a section vertically through the center of a structure showing the fall or rise per unit horizontal (or slope) length of structure. The slope parallel along the major axis of the improvement.

(e) "Person" means any individual person, partnership, corporation, Limited Liability Company, association, estate, trust, or two or more individual persons having a joint or common interest.

(f) "Portland Cement Concrete Pavement" means a mixture of Portland cement, water, sand and stone, herein referred to simply as concrete.

(g) "Raveled" means loss of stone and/or concrete materials from surface area downward.

(h) "Segment" means a section of structure that lies between expansion joints or contraction joints.

(i) "Slope" means the inclination of a surface expressed as one unit or rise or fall for so many horizontal units.

(j) "Spalled" means flaking or chipping of concrete materials from surface area downward.

(k) "Standards" means standard specifications for street construction, latest edition, as specified in Chapter 16.18 of this code.

(l) "Structure" means curbwalk, sidewalk, curbs and gutters.

#### **12.08.010 Construction-Line and Grade Requirements**

Persons desiring to construct structures shall make written application to the City planner/engineer upon forms supplied by the City, for a permit to cut, break, remove or alter any structure as provided in this chapter. For any such work being replaced in a residential district the City engineer or his designee shall establish the desired lines and grades as soon as possible after receiving an application. Lines and grades established in conjunction with a site plan, subdivision construction, or any other City permits such as a building permit for new residential or commercial construction will be established by a contractor and reviewed by the City engineer or his/her designee prior to the work being completed.

#### **12.08.015 Construction-Permit Required**

(a) It is unlawful for any person either as owner, agent, contractor or employee, to cut, break, remove or alter any structure, or cause to have cut, broken or removed any structure or to install or cause to have installed any structures without a permit. Permits shall be issued by the City building inspector after payment of appropriate fees and compliance by the applicant with this code. The cost of the permit shall be established by resolution of the City council.

(b) A permit will be required for all work constructed in conjunction with a site plan, as specified under Title 17 of the Mills Municipal Code. Upon site plan approval, a permit shall be issued by the City building inspector after payment of the appropriate fees. The cost of the permit shall be established by resolution of the City council.

(c) Whenever any work for which a permit is required by this chapter has commenced without first obtaining a permit, the applicant shall be charged an amount equal to twice the established permit fee. Such amount shall be paid prior to continuing any further work. This civil penalty is in addition to any other fines, sentences, judgments or consequences which may be imposed.

(d) Whenever work is started without a permit, it shall be stopped, upon notice by the City, until such time as a permit is issued.

- (e) Permits are not required for the construction or reconstruction of a structure when:
- (i) The structure is removed during the installation of electrical, mechanical or plumbing facilities associated with a City permit, such as a building permit or street cut permit; or
  - (ii) The structure is removed during the installation of piping for fire hydrants, curb stops, or other piping installed by the City; or
  - (iii) The structure is included in work associated with a street improvement project such as a local assessment district or street resurfacing project administered by the City or the Wyoming Department of Transportation.

**12.08.017 Construction or Reconstruction of Curbwalk, Sidewalk, Curbs or Gutters-Responsibility of Property Owner**

(a) In accordance with Wyoming Statute Section 15-4-306, all owners of land adjoining any street, lane or alley shall construct or reconstruct any structure, along the street, lane or alley next to the land when ordered to do so by the City Mayor or his/her designee. It is the duty of landowners to keep any structure now constructed, or which may hereafter be constructed in front of their property in good repair and in safe condition.

- (b) The criteria for reconstruction of any structure shall consist of one or more of the following:
- (i) Any adjoining segments, or portions thereof, whose edges differ vertically by more than one-half inch;
  - (ii) Any segment that has more than twenty-five percent of its surface area with holes, or is cracked, broken or missing pieces which interfere with the walking public or surface drainage;
  - (iii) Any segment having depressions or low spots so as to impound water greater than three-eighths inch in depth;
  - (iv) Any segment having a grade greater than three-fourths inch vertical per one foot horizontal in walking sections, excluding alleys, drives and ramps;

- (v) Any segment that causes an abrupt change in the longitudinal grade of the curbwalk or sidewalk.

#### **12.08.020 Construction-Standard Specifications**

(a) The standard specifications governing the construction of any concrete structure in the City shall be in accordance with Chapter 17 of this code.

(b) The construction of any structure shall be in accordance with the Americans With Disabilities Act, the regulations and guidelines promulgated thereunder, and other applicable law.

(c) The applicant or his agent shall take appropriate measures to assure that, during the performance of construction, traffic conditions shall be maintained as nearly normal as practicable, at all times. The applicant or his agent shall route and control traffic, including his own vehicles, pursuant to the latest edition of the manual on uniform traffic control devices (MUTCD) as published by the Federal Highway Administration.

#### **12.08.030 Construction-Jurisdiction and Observation**

(a) All structures constructed within the City shall be constructed under jurisdiction of and subject to observation of the City engineer or his/her designee, and in conformity with the City's standard specifications for street construction and the lines and grades laid out by the City engineer's office. If required, the City engineer or his/her designee shall set line and grade and the stakes shall be preserved by the owner and the contractor doing the work. The applicant or his/her designee shall be responsible for all construction in accordance with this chapter and the City's standard specifications for street construction.

(b) All work covered under this chapter shall be completed expeditiously, in order to avoid unnecessary inconvenience to traffic and pedestrians. In the event that the work has not been performed in accordance with this chapter, or has been abandoned, the City Mayor or his/her designee may give written notice to the owner of the permit to correct the work and complete all restoration as required by this chapter. The owner shall, within ten working days from date of notice, respond to the City with a schedule to complete the work. All work must be completed within four months from the date of the City's notice. In the event the owner does not complete the work within the time specified in the response, then the City may cause the work to be corrected and complete restoration as required by this chapter.

(c) In the event the City accomplishes the work in accordance with this section, the entire cost of such work, including any materials used thereof, shall be paid to the City by the applicant of the permit upon demand. If payment is not made within ten days of the demand, no additional permits shall be issued to the applicant. In addition, the City may proceed to collect any of the costs due and owing in any manner allowed by law.

(d) The asphalt shall be cut back and removed by the contractor, eighteen inches from all newly constructed structures to a depth of not more than ten inches. Should concrete pavement be encountered during asphalt removal, all asphalt above the concrete pavement shall be removed

no matter the depth. Concrete paving shall be allowed to remain. The asphalt that is removed shall be replaced and compacted with temporary base course to the top of the existing asphalt. The temporary base course shall be removed and replaced with asphalt pavement. The contractor shall give notice to the City when construction is complete.

- (i) Replacement of base course with asphalt for structures in conjunction with a site plan, subdivision construction, or any other City permits such as a building permit for new residential or commercial construction will be completed by a contractor, and reviewed by the City engineer or his designee prior to the work being completed.
- (ii) The City engineer or his/her designee may grant exceptions to cut back the eighteen inches of asphalt where the asphalt is in exceptionally good condition, as determined by the City engineer's office. Requests for exceptions to the eighteen inch cut back requirement must be made to the Public Works Director a minimum of three days prior to the structure construction.
- (iii) During winter months or when asphalt material is not available, the applicant or his designee shall be responsible for maintenance of all areas where pavement was removed for the installation of any structure. Maintenance shall consist of backfilling all areas where asphalt or concrete was removed with base course and replacing material as needed to prevent potholing, washouts or hazards.

(e) It shall be the duty of the person doing the work authorized by a permit to notify the City that such work is ready for observation. Every request for observation shall be filed at least one working day before such inspection is desired.

#### **12.08.040 Repair or Rebuilding of Nonconforming Curbwalk, Sidewalk, Curb and Gutter**

Where any structure has been constructed or repaired without first having obtained a grade and line from the City engineer, or where the same have not been constructed in conformity with the established grade and line or not in conformity with the City's standard specifications for street construction, the structure shall be rebuilt or repaired at the owner's expense to so conform, as provided in this chapter.

#### **12.08.050 Driving Vehicles or Permitting Animals on Sidewalks Prohibited**

No person shall drive, propel or move a dray, cart, wagon, buggy, motor vehicle or vehicles, or drive a team, or lead, ride or drive any animal (except pets, as defined in Section 17.08.010 of this code, or in the performance of snow removal) upon or across any sidewalk in the City, or knowingly or negligently suffer or permit any animal (except pets, as defined in Section 17.08.010 of this code) to go upon or across any such sidewalk.

**CHAPTER 12.12**  
**CURB CUTS AND DRIVEWAYS**

**12.12.010 Purpose of Provisions**

The purpose of this chapter is to standardize, regulate and control the location, size, type, construction, maintenance and quantity of curb cut s, driveways and sidewalk driveway crossings in the City, for the proper design, safe and efficient entry to and exit from City streets to private property, safety of vehicular traffic in the streets, and safety of pedestrian traffic on the sidewalk area. The access, location and design standards contained in this chapter are intended to insure continuity in the handling of access issues for new developments, while maintaining a high level of service on existing and proposed roadways.

**12.12.015 Construction-Line and Grade Requirements**

Persons desiring to construct structures shall make written application to the City engineer upon forms supplied by the City, for a permit to cut, break, remove or alter any structure as provided in this chapter. For any such work being replaced in a residential district the City engineer or his designee shall establish the desired lines and grades as soon as possible after receiving an application. Lines and grades established in conjunction with a site plan, subdivision construction, or any other City permits such as a building permit for new residential or commercial construction, will be established by a contractor and reviewed by the City engineer or his designee prior to the work being completed.

**12.12.020 Definitions**

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

(a) "Alley" means a minor private or public thoroughfare, other than a dedicated street or half street, which is less than thirty feet wide upon which the rear of land or building lots generally abut, and which affords a secondary means of vehicular access to the land, building or lots.

(b) "Applicant" means any person making written application to the City to construct or reconstruct curb cut s and driveways.

(c) "Arterial Street" means a high-capacity roadway designed to provide continuity between neighborhoods and other arterial and freeway street systems. The main channels (high-capacity roadway) for the movement of traffic in an urban area which are generally wider than local streets and are given preference in signing and signalization.

(d) "Asphaltic Concrete Pavement" means a mixture of black bituminous material and stone, laid hot and rolled until nearly free of voids, herein referred to simply as asphalt.

(e) "Collector Street" means a secondary channel designed to penetrate neighborhoods from which local traffic is collected and channeled to the arterial street system.

(f) "Curb Cut" means the total street curbing or curbwalk that is removed to place a driveway and slopes.

(g) "Curb Return" means the curved portion of a street curb at drive approaches.

(h) "Curbwalk" means a combination curb, gutter and sidewalk, constructed monolithically.

(i) "Driveway" means that area on private property where vehicles are operated, parked or allowed to stand.

(j) "Driveway Apron" means the area between the curb cut or proposed curb line and the back edge of walk or proposed walk line, to provide ingress and egress for vehicles from the alley, street or roadway to private property.

(k) "Driveway Width" means that portion of the street curbing that is removed, excluding curb returns or transitions, to provide ingress to and egress from property.

(l) "Flowline" means the path traced by particles in flowing water; traditionally located at the intersection of the back of gutter and front face of curb.

(m) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways which join each other at, or approximately at right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict.

(n) "Local Street" means a low-speed, low-volume street with limited continuity; it provides direct access to abutting property and connects to collector or minor arterial streets.

(o) "Pavement Width" means the width of a street measured from the edge of the roadway pavement to the edge of the roadway pavement, perpendicular to the centerline of the road.

(p) "Person" means any individual, person, partnership, corporation, Limited Liability Company, association, estate, trust, governmental corporation or entity, or two or more individual persons having a joint or common interest.

(q) "Portland Cement Concrete Pavement" means a mixture of Portland cement, water, sand and stone, herein referred to simply as concrete.

(r) "Roadway" means that portion of a street improved, designed and customarily used for vehicular travel.



(s) "Sidewalk" means a walk or raised path along or near the side of a road usually constructed of Portland cement concrete and reserved for use by pedestrians.

(t) "Standards" means "standard specifications for street construction," latest edition, contained in 17 of this code.

(u) "Street" means that portion of an easement of ground designated and dedicated to the public to accommodate a thoroughfare, avenue, road, highway, boulevard, parkway, drive, circle, cul-de-sac, lane or court within the City of Mills.

(v) "Street Right-Of-Way" means public property dedicated for streets, alleys or other public uses.

(w) "Structure" means curbwalk, sidewalk, curbing, gutters, driveways or curb cuts.

(x) "Traffic" means pedestrians, vehicles, and other conveyances, either singly or together, while using any street, alley or roadway for purposes of travel.

#### **12.12.030 Permit Requirements Construction-Permit Required-Application**

(a) It is unlawful for any person either as owner, agent, contractor or employee, to cut, break, remove or alter any structure, or cause to have cut, broken or removed any structure, or to install or cause to have installed any structure without a permit. Permits shall be issued by the City Mayor or his/her designee after payment of appropriate fees and compliance by the applicant with this code. The cost to construct or reconstruct a curb cut shall be established by resolution of the City council.

(b) A permit will be required for all work constructed in conjunction with a site plan, as specified under Title 17 of the Mills Municipal Code. Upon site plan approval, a permit shall be issued by the City engineer or his/her designee after payment of the appropriate fees. The cost of the permit shall be established by resolution of the City council.

(c) Whenever any work for which a permit is required by this chapter has commenced without first obtaining a permit, the applicant shall be charged an amount equal to twice the established permit fee. Such amount shall be paid prior to continuing any further work. This civil penalty is in addition to any other fines, sentences, judgments or consequences which may be imposed.

(d) Whenever work is started without a permit, it shall be stopped, upon notice by the City, until such time as a permit is issued.

- (e) Permits are not required for the construction or reconstruction of a structure when:
- (i) The structure is removed during the installation of electrical, mechanical or plumbing facilities associated with a City permit, such as a building permit or street cut permit; or

- (ii) The structure is removed during the installation of piping for fire hydrants, curb stops or other piping installed by the City; or
- (iii) The structure is included in work associated with a street improvement project such as a local assessment district or street resurfacing project administered by the City or the Wyoming Department of Transportation.

(f) Applications. Applications for permits granted pursuant to this chapter shall be upon forms furnished by the City engineer or his/her designee, and shall specify:

- (i) The name of the applicant;
- (ii) The location of the property in front of which the proposed curb cut is to be repaired and/or constructed; and
- (iii) The number of square feet to be repaired and/or constructed.

(g) A sketch or plot plan shall be submitted with each application which shall be drawn to a scale of one inch equals forty feet, or as approved by the City engineer. The sketch shall indicate the proposed structure construction, together with all existing street light standards, poles, signs, sidewalk boxes, fire hydrants, and any other obstructions shall be submitted with each application.

#### **12.12.040 Traffic Report Required**

For any development which generates more than seventy-five vehicle trips per peak hour, the applicant shall submit a traffic study justifying the need, describing the internal circulation and parking system, and identifying the impact of the development and its proposed access facilities on the operation of the street. The analysis shall be completed for the total site development. Specific requirements of this section may be waived by the City engineer, depending upon the specific street that will be impacted, and the trips generated by the site.

#### **12.12.050 Residential Curb Cuts**

All curb cuts hereafter constructed, relocated or widened in residential areas of the City shall comply with the following minimum standards:

(a) No curb cut width shall be less than ten feet wide. Frontages of sixty feet or less shall be limited to one curb cut. No more than two curb cuts shall be provided to any single platted lot.

(b) Curb cuts serving a single platted lot or serving any of several adjacent lots under single ownership shall be separated by at least twenty-five feet of full vertical curb. Cityhouse/condominium developments shall be accepted.

(c) Curb cuts serving corner lots shall be so located that:

- (i) A curb cut on either street shall be at least twenty-five feet from the projected curb line (or street right-of-way) of the intersecting street; and
- (ii) No part of the driveway shall extend into the curved portion of a street curb at drive approaches a distance greater than five feet.

(d) No curb cut shall be constructed closer than five feet from the side property line. Joint curb cuts for Cityhouse/condominiums will be permitted.

### **12.12.060 Industrial and Commercial Curb Cut Design Requirements**

In all industrial and commercial zoned areas of the City, the following regulations shall apply:

(a) Number of Curb cuts. The number of curb cuts shall be limited to one two-way curb cut, or two one-way curb cut s for each platted lot, except when the following conditions exist:

- (i) Property frontages that are too narrow to satisfy the minimum driveway spacing criteria set forth in the following sections will require common access locations at property lines; frontage roads, restricted movement curb cut designs, or other modifications acceptable to the City engineer.
- (ii) In all commercial or industrial districts, each lane of a curb cut opening shall be a minimum of twelve feet in width at the narrowest point, plus the curb-and-gutter width, with the number of lanes subject to the approval of the City engineer.
- (iii) Additional driveways may be needed because a traffic study shows that conditions warrant two or more curb cuts.
- (iv) If a development generates traffic volumes which meet any signal warrant, based upon a traffic study, access traffic shall be consolidated to a single point which can be signalized.
- (v) A property that has frontage on more than one street will be permitted access only on those street frontages where standards can be met. If a property cannot be served by an access point meeting these standards, the City engineer shall designate access point(s) based on traffic safety, operational needs and traffic studies.
- (vi) The location of curb cuts to properties on opposite sides of arterial and collector streets shall be coordinated so that they do not interfere with each other. Generally, curb cuts directly opposite of each other are desirable. However, if this is not possible, the resulting "T" configurations must be spaced a minimum of one hundred feet apart on collectors, and two hundred feet apart on arterials. This may be modified by the City engineer based on existing through traffic and the trip generation of the site. In no case will a spacing of less than seventy-five feet be acceptable on arterial streets.

### **12.12.070 Access onto State Highways**

Access onto state highways in the City may be subject to the approval of both the Wyoming Department of Transportation and the City. Direct access to highways is strongly discouraged if the property has reasonable access potential to the City street system.

### **12.12.075 Construction Jurisdiction and Observation**

All structures constructed within the City shall be constructed under jurisdiction of and subject to observation of the City engineer or his/her designee, and in conformity with the City's standard specifications for street construction and the lines and grades laid out by the City engineer's office. If required, the City engineer or his/her designee shall set line and grade stakes, and any stakes set shall be preserved by the applicant and the contractor doing the work. The applicant or his/her designee shall be responsible for all construction in accordance with this chapter and the City's standard specifications for street construction.

### **12.12.080 Curb Cut and Driveway Construction**

All curb cuts and driveway aprons constructed or altered in the street right-of-way shall conform to the regulations set out in this chapter.

(a) All work covered under this chapter shall be completed expeditiously, in order to avoid unnecessary inconvenience to traffic and pedestrians. In the event that the work has not been performed in accordance with this chapter, or has been abandoned without due cause, the City Mayor or his/her designee may give written notice to the owner of the permit to correct the work and complete all restoration as required by this chapter. The owner shall, within ten working days from the date of notice, respond to the City with a schedule to complete the work. All work must be completed within four months from the date of the City's notice. In the event the owner does not complete the work within the time specified in the response, then the City may cause the work to be corrected and complete restoration as required by this chapter.

(b) In the event the City accomplishes the work in accordance with this section, the entire cost of such work, including any materials used thereof, shall be paid to the City by the applicant of the permit upon demand. If payment is not made within ten days of the demand, no additional permits shall be issued to the applicant. In addition, the City may proceed to collect any of the costs due and owing in any manner allowed by law.

(c) The asphalt pavement shall be cutback and removed, by the contractor, eighteen inches from all newly constructed structures to a depth of not more than ten inches. Should concrete pavement be encountered during asphalt removal, all asphalt above the concrete pavement shall be removed no matter the depth. Concrete paving shall be allowed to remain. The asphalt pavement that is removed shall be replaced and compacted with temporary base course to the top of the existing asphalt surface. The temporary base course shall be removed and replaced with asphalt pavement. The contractor shall give notice to the City when construction is complete.

- (i) Replacement of base course with asphalt for structures in conjunction with a site plan, subdivision construction, or any other City permits such as a building permit for new residential or commercial construction, will be completed by a contractor, and reviewed by the City engineer or his designee prior to the work being completed.
- (ii) The City engineer or his/her designee may grant exceptions to cut back the eighteen inches of asphalt, where the asphalt is in exceptionally good condition, as determined by the City engineer's office. Requests for

exceptions to the eighteen inch cut back requirement must be made to the City engineering office a minimum of three days prior to the structure construction.

(iii) During winter months or when asphalt material is not available, the applicant or his designee shall be responsible for maintenance of all areas where pavement was removed for the installation of any structure. Maintenance shall consist of backfilling all areas where asphalt or concrete was removed with base course and replacing material as needed to prevent potholing, washouts or hazards.

(d) The use of asphalt, concrete, metal plates or pipes in flow lines to serve as a curb cut is prohibited on collector, arterial and snow route streets.

(e) On all other streets, upon notification by the City, all metal plates, pipes or other gutter obstructions shall be removed from the public right-of-way during municipal street construction or improvement projects. In the event that the metal plates or obstructions are not removed expeditiously, the City shall remove the metal plates or obstructions from the public right-of-way. Metal plates removed by the City will be returned upon payment of the costs incurred by the City for removal, storage and return of the metal plates. The property owner assumes responsibility for the installation of metal plates returned by the City.

(f) It shall be the duty of the person doing the work authorized by a permit to notify the City that such work is ready for observation. Every request for observation shall be filed at least one working day before such inspection is desired.

#### **12.12.090 Existing Curb Cut Modifications**

(a) Any time fifty percent or more of the total surface area of a parcel of land under one ownership is cleared of existing surface improvements, the curb cuts serving such parcel must be closed or reconstructed, within six months after completion of clearing improvements, to conform to the conditions of this chapter.

(b) No curb cut shall be constructed or reconstructed within thirty inches of any existing obstruction in the street right-of-way.

(c) No curb cut shall be constructed or reconstructed in such manner and at such location as, in the opinion of the City engineer or his/her designee, the use thereof would constitute a hazardous condition.

(d) Any adjustments to utility facilities, light standards, fire hydrants, catch basins, street signs, signals, underground conduits for street lighting or fire alarm systems, or other public improvements or installations which are necessary because of construction under a permit issued under this chapter shall be accomplished without cost to the City by the permittee.

(e) Structures shall be constructed in accordance with the standard specifications for street construction. The minimum depth of the concrete in the driveway apron shall be six inches.

(f) All work for the construction of the curb cut shall be fully completed within five working days after the start, weather permitting. In the event such work has not been completed, the City will have the option of completing the work at the expense of the applicant. The City engineer shall be notified at least twenty-four hours in advance of the time when the work is proposed to be started.

- (g) The applicant or his contractor doing the construction or alteration work shall:
- (i) Maintain the premises in a safe manner;
  - (ii) Take appropriate measures to assure that, during the performance of construction, traffic conditions shall be maintained, as nearly normal as practicable at all times. The applicant or his agent shall route and control traffic, including his own vehicles, pursuant to the latest edition of the Manual on Uniform Traffic Control Devices, as published by the Federal Highway Administration.
  - (iii) Remove all debris, dirt or other construction material immediately upon completion of work; and
  - (iv) Hold the City harmless and indemnify the City from any damages incurred by his operations.

(h) City street right-of-way shall not be used for private/commercial purposes. A permit for the construction of a curb cut shall not be issued unless vehicles which will be using such curb cut can be parked entirely within the private property lines.

(i) No permit shall be issued for access to parking or loading areas that require backing maneuvers in a public street right-of-way.

(j) It shall be the duty of the person doing the work authorized by a permit to notify the City that such work is ready for construction. Every request for inspection shall be filed at least one working day before such inspection is desired.

#### **12.12.100 Driveways—Spacing**

(a) The distance between adjacent curb cuts on any street must be sufficient to allow vehicles to safely queue, accelerate, decelerate and cross conflicting traffic streams without excessive interference with through traffic or traffic using adjacent driveways.

(b) For arterial and high volume collector streets, a driveway spacing of two hundred feet or better is desirable. Where this spacing cannot be attained, acceptable minimum curb cut spacing for arterial and collector streets are shown in Table 12.12.110 below.

**Table 12.12.110  
Minimum Curb Cut Spacing**

Arterial Speed (mph)	Minimum Separation (feet)
30	125
35	150
40	185
45	230
50	275

(c) Closer curb cut spacing than those listed above may be granted if the developer agrees to limit turning movements (i.e., right turns in and out) as required by the City engineer.

(d) Where curb cuts are to be signalized, a minimum spacing of one thousand two hundred feet to one thousand five hundred feet to any other signalized intersection shall be maintained.

**12.12.110 Sight Distance at Entrances and Exits**

Adequate sight distance must be provided for vehicles exiting and entering a driveway. Driveway locations shall be evaluated to determine whether sight obstructions exist such as buildings, signs, vegetation, parked vehicles, highway alignments, etc.

**12.12.120 Restricted Movement Driveway Designs**

Where necessary for the safe and efficient movement of traffic, the City engineer may require access points to provide for only limited (e.g., right turns only) turning movements. The restriction of turning movements shall not affect the number and location of access points as specified elsewhere.

**12.12.130 Deviation from Rules-Conditions**

(a) Any construction or reconstruction of a structure started without a permit shall be stopped until such time as a permit is issued.

(b) Permission to deviate from the requirements and regulations of this chapter shall be granted by the City engineer only where unusual conditions or strict adherence to this chapter would cause undue and extreme hardship.

**CHAPTER 12.16**  
**STREET EXCAVATIONS**

**12.16.010 Definitions**

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given in this section:

(a) "Applicant" means any person making written application to the City engineer or his/her designee for excavation or street closure permit(s) hereunder.

(b) "Excavation Work" means the excavation and other work permitted under an excavation permit and required to be performed under this chapter, and where a trencher, backhoe, boring machine, jackhammer, cable plow, or any other methods or equipment are used to do such work.

(c) "Person" means any individual person, partnership, corporation, association, governmental corporation, estate, trust, or two or more individual persons having a joint or common interest.

(d) "Settlement" means any variation of the finished street surface from the testing edge of a ten-foot straight edge between any two contact points with the surface.

(e) "Standards" means Standard Specifications for Street Construction, latest edition, issued by the City engineer's office.

(f) "Street" means that portion of an easement of ground designated and dedicated to the public to accommodate a thoroughfare, avenue, road, highway, boulevard, parkway, drive, circle, court, lane, or alley within the City.

**12.16.020 Permit-Required**

It is unlawful for any person to dig up, break, excavate, bore, tunnel, undermine, or in any manner, break up any street or to make or cause to be made any excavation in or under the surface of any street or in any street right-of-way, unless such person shall first have obtained an excavation permit therefor from the City planner as herein provided. For continuous excavations, a street excavation permit shall be obtained for each City block, or five hundred lineal feet, whichever is less. Street cut permits are not required for the following types of work:

- (a) Removal and replacement of concrete curb, gutter, sidewalk, curb cut or curbside;
- (b) Geotechnical work associated with City-funded street, water or sewer improvements;



(c) Installation of electrical, sewer and/or gas underground utilities in conjunction with building, mechanical, plumbing or electrical permits for buildings when performing the excavation work on private property;

(d) Normal street maintenance work being performed by the public works department.

#### **12.16.040 Permit-Bond and Insurance Required**

(a) Before any person shall do any work within the City limits as permitted by this chapter, a five thousand dollar corporate surety bond or an irrevocable letter of credit in the amount of five thousand dollars or a certified check or cash deposit in an amount equal to the estimated construction charges, whichever is greater, must be filed in the City engineer's office to guarantee the faithful performance of the provisions set forth in this chapter.

(b) No permit shall be issued unless and until the applicant therefor has filed a certificate of insurance evidencing the fact that the applicant has purchased and has in effect an insurance policy issued by an insurance company authorized to do business in the state, providing for public liability coverage in the sum of two hundred fifty thousand dollars for each person and an aggregate sum of five hundred thousand dollars per occurrence, to protect the applicant against any expense, cost, damage and any liability of any kind or character whatsoever, resulting from or which may arise as a result of the applicant's opening any street under a permit issued hereunder or which may in any way be connected therewith or relating thereto.

#### **12.16.050 Permit-Issuance Fee**

Permit fees shall be established by resolution of the City council.

#### **12.16.060 Same-Emergency Procedure**

In the event of an emergency arising whereby excavation is made and no permit has been issued, then the person doing the excavation shall, as soon as possible, report same to the City planner, not later than the next working day, securing the permit therefore.

#### **12.16.070 Permit-Placard Posting Requirements**

(a) The building inspector or designee shall provide each applicant, at the time a permit is issued hereunder, a suitable placard plainly written or printed in English letters at least one inch high with the following notice:

(i) City of Mills, Wyoming, Excavation Permit No. issued to \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(b) It shall be the duty of the applicant or his agent hereunder to keep the placard posted in a conspicuous place at the site of the excavation work. It is unlawful for any person to exhibit such placard at or about any excavation not covered by such permit or to misrepresent the number of the permit or the date of its issuance.

### **12.16.080 Protection of Existing Improvements**

(a) The applicant holding the permit for a project shall be responsible for the protection, repair or replacement of all improvements which exist within the limits of the construction area. For the purposes of this section, the term "improvements" means and includes, but is not limited to the following: water lines, sanitary and storm sewer lines, street lighting, traffic signal systems, traffic signs, topsoil, sod, trees, public utility lines and systems, and street improvements including subgrade, base, pavement or other surfacing, curbs, gutters, medians, sidewalks, and all of the various appurtenances of these improvements.

(b) Before commencing any excavation, the applicant or their agent shall determine what improvements exist within the limits of the construction area and shall make detailed arrangements with the City engineer or his/her designee thereof for the protection or replacement of such improvements.

(c) Installation of utilities under City collector or arterial streets shall be done by jacking or boring whenever possible. When installing pipes by jacking or boring, the casing or installed pipe shall be a minimum of thirty-six inches below the top of the pavement. Variations from the thirty-six-inch depth may be approved by the City engineer should a conflict develop with existing underground utilities.

(d) Sheet piling may be required by the City engineer in any excavation where, in his opinion, damage to existing utilities may occur.

(e) The excavation of materials from any surfaced roadway shall be accomplished either by hand or by the use of equipment. Where any piece of equipment is used, adequate provisions shall be employed to assure that those portions of the street surface which are not to be removed will not be damaged. This shall be accomplished with the use of protective planking, pads or other method meeting the approval of the City engineer. In the event any portion of the street is damaged as a result of the applicant's operations, the applicant shall be responsible for the repair or replacement thereof in accordance with the directions of the City engineer.

### **12.16.090 Performance of Work**

All work performed pursuant to the issuance of an excavation permit shall be done as follows:

(a) Where trench structure excavation requires the removal of curb gutter, concrete sidewalks, or asphaltic or concrete pavement by means of backhoes, graders or loaders, the asphalt or concrete shall be cut before any excavating in a straight line parallel to the edge of the excavation by the use of a spade bitted air hammer, concrete saw, or similar approved equipment, to obtain a straight vertical edge.

(b) When trench excavation is performed by a trencher, asphalt pavement need not be cut prior to excavating operations. However, should trenching operations begin to pull, lift and/or tear existing asphalt pavement, the trenching operation shall be discontinued until the asphalt is

cut parallel to the edge of the excavation. The City engineer or his/her designee shall retain sole authority to determine whether the asphalt shall be cut prior to any excavating. The minimum width of pavement removal for utilities greater than six feet in depth shall not be less than eight feet, unless otherwise approved by the City engineer. All necessary corners shall be cut at not more than a forty-five degree angle to the trench excavation.

(c) Upon completion of trenching and backfilling, applicant shall cut and remove both edges of the asphalt or concrete pavement, one foot wider than the edge of the excavation. The cutting method shall be similar to that previously described.

(d) Rotomilling may be substituted instead of trimming asphalt or concrete pavement as outlined in subsection B above. This work shall include rotomilling both trench edges twelve inches wide to a depth no less than one and one-half inches. Rotomilling of trench edges shall not be considered an approved option if the trench excavation material is of a non-cohesive property and undermines any edge of the existing asphalt pavement.

(e) All applicable asphaltic materials, equipment, paving plant requirements, construction methods, and testing and sampling shall meet those technical specifications in Article 8 of the standards.

(f) A bituminous tack coat shall be applied to all curbs, gutter, sidewalk and existing pavement edges prior to any pavement replacement. All materials and procedures shall be in accordance with the technical specifications in Article 7, Bituminous Tack Coat, of the standards.

(g) All applicable Portland cement materials, equipment, batching plant equipment, construction requirements, execution of work, conditioning of subgrade, placing concrete, and finish work shall meet those technical specifications set forth in the standard specifications for public works construction and infrastructure improvements.

(h) All trench backfilling shall be performed in accordance with standards set forth in the standard specifications for public works construction and infrastructure improvements.

(i) Upon completion of the work, all surplus construction materials and debris shall be removed, leaving the entire site free, clean, and in a neat condition.

(j) The applicant or his agent shall be responsible for the removal and replacement of the concrete curb, gutter, and sidewalk, and pavement, and such shall be made within seven working days after backfill completed, weather permitting.

(k) All excavation, backfilling and resurfacing work shall be performed by the applicant or his agent. Upon completion of the work, the applicant or his agent shall give immediate notice to the City engineer that such work has been completed.

(l) The applicant shall assume the responsibility for any damage to underground facilities caused by the trenching, backfilling, resurfacing, or any other activities of the work.

(m) Where excavations occur in unpaved surfaces, the area shall be restored by placing a minimum of two inches of stabilized gravel on the surface of the excavation. Stabilized gravel shall be equal to material meeting Wyoming coarse concrete aggregate (minus three-fourths inch) as specified in the standards.

(n) The minimum thickness for asphaltic concrete pavement shall be:

Street Classification	Pavement Replacement
Residential/alley	4 inches asphaltic concrete surface over 6 inches of grading "w" base course
Collector/arterial	6 inches asphaltic concrete surface course over 8 inches of grading "w" base course

(o) The City planner's office will provide to the applicant, the functional classification of the street. Exemptions to the above pavement replacement guideline may only be granted by the City engineer.

(p) All topsoil and sod removed by the contractor shall be replaced.

(q) When making excavations, the various materials excavated shall be piled separately. All concrete and bituminous materials, any soils which cannot be properly compacted, and all other deleterious materials shall be removed from the construction site and properly disposed of in accordance with applicable laws.

(r) All materials used for backfilling shall be compactible so as to meet the minimum density and moisture requirements spelled out in the City's construction standards. Backfill material may contain coarse materials up to six inches in diameter, but shall be free from large pieces of rock, frozen material, concrete, roots, stumps, tin cans, rubbish, and other similar articles whose presence in the backfill would, in the opinion of the City engineer or his/her designee, cause settlement of the trench or damage to the installed improvement. Material shall have a maximum plasticity index of six and not exhibit pumping characteristics when proof rolled.

(s) All backfill shall be placed to be thoroughly compacted utilizing compaction methods suitable for the type of backfill being placed and to meet the City specifications for minimum density.

(t) As a condition of the permit, the applicant shall guarantee his work for a period of two years from the date of final completion of the work. If settlement equal to or greater than one-half inch or pavement separation equal to or greater than one-quarter inch occurs at the site of the excavation, or immediately adjacent thereto, at any time within two years from the date of final completion of the original restoration, the applicant shall be responsible for repairing such settled or separated areas in accordance with the directions of the City engineer. In addition, the applicant

shall be responsible for reimbursing the City for any expenses incurred in the placement of warning devices and barricades for the protection of traffic because of such settlement.

#### **12.16.100 Routing Traffic-Barriers and Safety Lights**

(a) The applicant or his agent shall take appropriate measures to assure that, during the performance of the excavation work, traffic conditions shall be maintained, as nearly normal as practicable, at all times. The applicant or his agent shall route and control traffic including his own vehicles as per the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the Federal Highway Administration.

(b) The applicant shall obtain a permit from the City engineer's office for any closure of any street or portion thereof, as provided in Section 12.16.110. Along with the permit application, the applicant shall provide a sketch showing traffic routing and traffic control devices to be used. The construction traffic control sketch shall be approved by the City engineer, or his agent, before the permit is issued.

(c) The City engineer may permit the closing of streets to all traffic for a period of time prescribed by him if, in his opinion, it is necessary.

(d) Excavations which traverse a street shall be limited to one-half the width of the street at any one time, unless an emergency situation exists which requires that the entire width of the street be excavated.

(e) No routine replacement of utility lines, connections, or structures of any kind, including but not limited to gas, telephone, or other facilities, shall be permitted within one year after initial surfacing or resurfacing of any street. Routine replacement shall mean ordinary or predictable replacement of utility lines.

#### **12.16.110 Street Closure-Permit Requirements**

(a) It is unlawful for any person except officers and employees of the City to close any street, or portion thereof, for the purpose of performing any work in, on or under the street without first obtaining a permit for such closure from the City engineer or his/her designee. Street closure permits are not required for the following types of work:

- (i) Removal and replacement of curb, gutter, sidewalk or curbside curb cut; or
- (ii) Installation of electrical, sewer and gas underground utilities in conjunction with building, mechanical, or plumbing, or electrical permits issued for buildings on streets with traffic volumes less than one thousand vehicles per day; or
- (iii) Geotechnical work associated with City-funded street, water or sewer improvement projects.

(b) Any person desiring to close such street or portion thereof shall make application to the City engineer or his/her designee at least four hours in advance of the proposed closure. The application shall include a sketch showing traffic routing, placement and type of traffic control

devices to be used, and shall include a statement of the reason for the work and the time during which the work is to be performed. Within twenty-four hours of receiving the application, the City engineer or his/her designee shall approve a permit or deny the application. The City engineer or his/her designee shall deny the application only if the proposed closure will create a serious risk to the safety of the public using the street, or in the event the application does not comply with this chapter.

(c) Notwithstanding subsection B of this section, no closure of the streets exceeding one thousand vehicles per day, or portions thereof, shall be allowed between the hours of six a.m. to six p.m., unless otherwise approved by the City engineer.

(d) The fee for the street closure permit shall be established by resolution of the City council.

#### **12.16.120 Time for Completion-Work Performed by City When-Cost**

(a) All work covered under this chapter shall be accomplished expeditiously until completion, in order to avoid unnecessary inconvenience to traffic, to pedestrians, and for the protection of other public interests. The applicant shall state, in his application for permit, the time which he estimates will be required to complete the work. Upon review of the application, the City engineer shall have the right to amend the time requested and issue the permit so as to allow the minimum amount of time which he determines will reasonably be required for such work. The time allowed for completion shall be extended as necessary if it is found that it is not possible to complete the work within the time allowed.

(b) In the event that the work is not being accomplished expeditiously in accordance with the time period set forth in the permit, or if the work on an excavation has ceased or is abandoned without due cause, the City engineer may, after ten working days from date of receipt give written notice to the holder of the permit of the City's intention to do so, have City forces correct the work, backfill the excavation, and effect all restoration as required by this chapter.

(c) In the event settlement of an excavation occurs within two years of the date of final restoration and the applicant is notified of such settlement or pavement separation, he shall accomplish the required restoration or repair within the time limit specified hereunder. Thereafter, if the work has not been accomplished, the City engineer may have City forces accomplish the work required.

(d) In the event City forces accomplish work in accordance with either subsections B or C above, the entire cost of such work, including any materials used therefor, shall be paid to the City by the applicant of the permit upon demand. If payment is not made within thirty days of the demand, no additional permits shall be issued to the applicant until payment has been made by the applicant or by his bonding company. In addition, the City may proceed to collect any of the costs due and owing in any manner allowed by law.

**CHAPTER 12.20**  
**EROSION AND SEDIMENT CONTROL**

**12.20.005 Purpose**

The purpose of this chapter is to:

- (a) Develop a recognition that construction activities related to building, utility and street improvements intensify soil erosion during wind and surface water runoff events;
- (b) Minimize soil erosion from wind and surface water runoff due to construction activities; and
- (c) Develop methods and procedures to be designed and implemented for erosion and sediment control.

**12.20.010 Definitions**

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

- (a) "City Mayor" means the Mayor of the City of Mills, or his appointed designee.
- (b) "Best Management Practices (BMP's)" means schedules of activities, prohibitions of practices, procedures, and other management practices to prevent or reduce the pollution of water or air in the City. Best management practices (BMP's) include treatment requirements, operating procedures, and practices for erosion and sediment control.
- (c) "Construction Activity" means any clearing, grading or excavation work which will disturb any ground surface area.
- (d) "Permit" means an erosion and sediment control permit issued in accordance with this chapter which allows the permittee to do construction activity under the terms and conditions set forth in the permit.
- (e) "De Minimis" means of minimum impact.
- (f) "Disturbed Area" means that area of the land's surface disturbed by any work or activity upon the property by means including but not limited to: grading; excavation; stockpiling soil, fill, or other materials; clearing; vegetation removal; removal or deposit of any rock, soil, or other materials; or other activities which expose soil. Disturbed area does not include the tillage of land that is zoned agricultural or the tillage of a parcel zoned PUD (planned unit development) that permits agricultural uses. It also does not include performance of emergency work necessary to prevent or ameliorate an immediate threat to life, property, or the environment. Any person performing such emergency work shall immediately notify the City Mayor of the situation and the actions taken. The City Mayor may, however, require such person to obtain an erosion and

sediment control permit to implement remedial measures to minimize erosion resulting from the emergency.

(g) "Excavation" means the act of removing earth material by mechanical means, including, but not limited to, the removal or destruction of natural topsoil, vegetation or natural groundcover.

(h) "NPDES" means National Pollutant Discharge Elimination System.

(i) "One Acre" means that the land disturbance is equal to one acre (not necessarily contiguous) in size. Disturbances less than one acre of total land area that are part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one and less than five acres, are included in the one acre requirements.

(j) "Permittee" means the person who is granted an erosion and sediment control permit under this chapter.

(k) "Person" means any individual person, developer, contractor, partnership, corporation, association, estate, trust, or two or more individuals having a joint or common interest in property.

(l) "Security" means bond, irrevocable letter of credit, cashier's check, cash, certificate of deposits, or other acceptable means of security approved of by City.

(m) "Site" means any lot or parcel of land, or continuous combination thereof under the same ownership, where construction work is performed or permitted.

(n) "Stabilization" means the actions necessary to prevent windborne or water-related erosion on disturbed earthwork, by either temporary or permanent methods.

#### **12.20.030 Erosion and Sediment Control-Permit Requirements**

It is unlawful for any person to do any construction activity that disturbs areas one acre or greater in size within the corporate limits of the City, except as exempted by Section 15.24.040 of this chapter, or cause the same to be done, without first obtaining a permit for such construction activity from the community development office.

#### **12.20.040 Exempt Activities**

A permit is not required for the following activity work:

(a) An excavation below finished grade for basements and footings of a single-family residential building, retaining wall, or other structure authorized by a valid building permit;

(b) Municipal landfill sites controlled by other local, state, or federal regulations;



(c) Construction activities performed by the City or a joint powers board of which the City is a member;

(d) Construction activities related to trenching, excavation, and backfilling of underground utilities which are funded and administered by the City or joint powers boards;

(e) Construction activities which create a "De Minimis" amount of erosion and sediment control problem as determined by the City Mayor.

#### **12.20.055 Erosion and Sediment Control-Permit Application**

Persons desiring to perform construction activities in the City shall acquire and fill out an erosion and sediment control application from the community development office. The erosion and sediment control application shall contain the following information items:

(a) The name, mailing address, and telephone number of the property owner and permittee;

(b) The name, address, and telephone number of the person or permittee performing construction activities on the site;

(c) The legal description of the parcel where construction activities are to be performed;

(d) The valuation of the security required under this chapter;

(e) The permit fee required under this chapter and established by resolution;

(f) A detailed description of the work to be performed at the site;

(g) Signature of the permittee for whom the construction activities are being performed;

(h) A statement of whether a general NPDES storm water permit has been issued by the Wyoming Department of Environmental Quality. (Only required when construction activities exceeds five acres in size).

#### **12.20.065 Erosion and Sediment Control-Plan Requirements**

Persons wishing to perform construction activities shall prepare an erosion and sedimentation control plan. The plan shall contain the following items:

(a) Site Description. The site description shall be broken down into the following elements:

(i) A description of the nature of the activity;

- (ii) Estimates of the total area of the site that is expected to be disturbed by excavation;
  - (iii) A description of the intended sequence of major activities which disturb soils for major portions of the site. Major activities shall include but not be limited to all excavation and backfill operations;
  - (iv) A description of the best management practices to be installed, and when and how they shall be incorporated into the work. Technical specifications of the best management practices, materials, and resources shall be provided with the erosion and sediment control plan;
  - (v) Certification by a licensed civil engineer or person experienced in applying best management practices to the reclamation of disturbed soils using best management practices and approved by the City of Mills engineering office, that the best management practices proposed for the disturbed area shall be sufficient to reduce erosion and control sediment control for all disturbed areas one acre (not necessarily contiguous) or greater in size;
  - (vi) Drawings that show disturbed areas within the construction zone and the institution of best management practices to minimize erosion and control sediment loss.
- (b) Best management practices for erosion and sediment control.
- (i) The permittee shall acquire a copy of the City of Casper's best management practices for erosion and sedimentation control and a copy of the Revegetation Guidelines Handbook, dated July 2010, prior to any construction activities, which shall be the standards for the best management practices and reclamation procedures that shall take place and be followed during all construction and reclamation activities. Each permittee shall develop a supplemental erosion and sedimentation plan for each construction site. The supplemental erosion and sedimentation plan shall include specific erosion and sediment control best management practices. Supplemental erosion and sedimentation plans shall include a description of the best management practices (BMPs) that will be implemented at the construction site, as well as the party that will be responsible for implementing the BMPs. BMP measures shall constitute one or more of the listed practices:
    - (ii) Temporary seeding;
    - (iii) Mulching;
    - (iv) Geotextiles;
    - (v) Chemical stabilization;
    - (vi) Permanent seeding and planting;
    - (vii) Preservation of natural vegetation;
    - (viii) Sod stabilization;
    - (ix) Stream bank stabilization;
    - (x) Soil retaining measures;
    - (xi) Installing fencing at right angles to the prevailing wind at a spacing that does not exceed a ratio of 10:1 (width to height);
    - (xii) Diversion swale/berm;

- (xiii) Outlet protection;
- (xiv) Sediment basin;
- (xv) Silt fencing;
- (xvi) Inlet protection;
- (xvii) Street sweeping;
- (xviii) Watering of construction areas shall not constitute an approved BMP for erosion and sediment control. Other BMPs shall be provided to the City engineer's office for their approval prior to implementation on the construction site.
- (xix) The permittee shall install additional BMPs as necessary when the construction site is abandoned for more than one week, unless written authorization is granted by the City Mayor.

**12.20.080 Erosion and Sediment Control-Security and Insurance Requirements**

(a) Prior to issuance of an erosion and sediment control permit, as provided by this chapter, the permittee is required to post with the City a performance bond, cash, letter of credit, or other approved security in the amount of ten cents per square foot, for the first one million square feet of disturbed area. For permit areas exceeding one million square feet, the permittee shall post an amount equal to two and one-half times the full amount of the cost estimated for the approved sedimentation and erosion control plan prepared by a registered Wyoming professional engineer and approved by the City engineer for the entire permit area. The fee shall include the full scope of erosion and sedimentation control services and treatments including maintenance as required by Mills City ordinance, and as approved by the City engineer. In no event shall the posting amount for permit areas exceeding one million square feet be less than one hundred thousand dollars. A minimum security amount of five thousand dollars and general liability insurance in the amount and form as described in this section shall apply.

Upon successful completion as determined by the City engineer of portions of the approved final erosion and sedimentation control plan by the permittee, the City Mayor may reduce the amount of security held by the City in a proportionate amount compared with the entire permit area.

(b) The performance bond, cash, performance security, letter of credit, or other approved security shall be released after one year following the date of final completion of implementation of erosion and sediment control measures on the construction site, or as determined by the City Mayor.

(c) No permit shall be issued unless and until the permittee has filed a certificate of insurance evidencing the fact that the permittee has purchased and has in effect an insurance policy, naming the City as additional insured, issued by an insurance company authorized to do business in the state, providing for public liability coverage in the sum of two hundred fifty thousand dollars to any claimant for any number of claims arising out of a single occurrence and an aggregate sum of five hundred thousand dollars for all claims of all claimants arising out of a single occurrence insuring the permittee and the City of Mills from any and all claims which may arise out of, or result from, permittee's performance under the issuance of an erosion and sediment control permit,

whether it is to be performed or furnished by permittee, or by anyone directly or indirectly employed by permittee to perform or furnish any of the work within the disturbed site, or by anyone for whose acts any of them may be liable, including, but not limited to, claims for damages, other than to the work itself, for personal injury or death or for destruction of or damage to tangible property wherever located, including loss of use resulting therefrom.

The insurance shall contain a provision or endorsement that the insurance coverage will not be canceled, materially changed, or renewal refused until after at least thirty days prior written notice has been given to the insured and the City of Mills.

Nothing in this section shall be deemed to be a waiver of any immunities or defenses available to the City under the Wyoming Governmental Claims Act.

(d) All persons applying for an erosion and sediment control permit shall be charged an inspection and review fee as established by resolution.

(e) The permittee shall purchase and/or maintain the performance bond, cash, performance security, letter of credit, or other approved security specified in this section which shall provide assurance and indemnification to the City of Mills that the permittee will furnish and install all onsite all erosion and sediment control improvements outlined and set forth in the erosion and sediment control permit application and all exhibits thereof.

(f) The performance bond, cash, performance security, letter of credit, or other approved security shall remain in full force and effect for at least one year after the permittee has completed the work under the erosion and sediment control permit and all defective work thereunder is corrected, removed, and/or replaced, and the City of Mills has provided a written notice of release of any such security.

#### **12.20.100 Erosion and Sediment Control Permit-Issuance, Expiration, Extension, Renewal and Maintenance**

(a) Upon compliance with the terms of this chapter, and any rules and regulations promulgated hereunder, the City Mayor shall issue an erosion and sediment control permit.

(b) Every permit issued under this chapter shall expire and become null and void if the construction activity authorized is not commenced within one year from the date of such permit. In the event a permit expires, the City shall return any security required if necessary.

(c) Any permittee holding an unexpired permit may apply for an extension of the permit. Such extension may be granted for a period not to exceed one year and shall not be extended unless the security required is in full force and effect for the period of the extension.

(d) Any expired permit may be renewed by the original permittee after expiration. No new fee shall be required provided no changes have been made or will be made to the original plans and specifications for the earthwork. No expired permit shall be renewed unless the security required is posted with the City at the time of renewal.

(e) Issuance or denial of an erosion and sediment control permit shall be made as soon as possible, but not later than fifteen calendar days after receipt of an application for permit.

(f) The property owner shall be responsible for the maintenance of all permanent sediment and erosion control measures enacted pursuant to this chapter. All temporary sediment and erosion control measures shall be removed after work on the site has been completed and the measures are no longer needed. Should any property owner fail to adequately maintain the permanent sediment and erosion measures or remove the temporary measures, the City may, after notifying the owner of the required maintenance and/or removal through e-mail, telephone, or written correspondence, enter the affected property and perform or cause to be performed the required work and assess the actual costs for such work against the property owner, and/or the property itself.

(g) If the permittee does not successfully complete all required work or violates any requirement of the permit or this chapter, the City may take corrective measures and charge the cost of such to the permittee. Such costs shall include the actual cost of any work deemed necessary by the City plus reasonable administrative and inspection costs and penalties. If the total of such costs exceeds the security, the permittee shall be responsible for payment of the remaining balance within thirty (30) calendar days of receipt of an accounting of such from the City.

(h) Shall remain in effect for all lots in a subdivision, unless a valid building permit has been issued for an individual lot. All site plan security shall remain in place until all required sediment and erosion control, drainage, and landscaping has been completed and approved.

#### **15.24.110 Inspection Requirements**

All construction activities for which a permit is required shall be subject to periodic inspections by the City Mayor to assure compliance with the approved permit. A final inspection will be conducted at the request of the permittee after the construction activity is completed, or, in the event a site is developed in phases, after each phase is completed. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the approved permit. In any case, no final approval shall be given until permanent soil stabilization has been accomplished and permanent vegetation established to the point where no significant soil erosion or sedimentation takes place.

If the City Mayor determines that soils are leaving a disturbed area by wind or water erosion, such person may, in writing, direct the permittee on the site to install any sediment and/or erosion controls that are deemed necessary to minimize said sediment from migrating off site, including the issuance of stop work orders and/or suspension or revocation of any permit.

#### **12.20.120 Building Permit Denial Conditions**

No building permit or occupancy permit shall be issued for structures on the land described in the permit during any period in which the permittee refuses to complete the terms of the permit, or pay the cost thereof, or is in default of correcting any deficiencies in the program.

### **12.20.130 Unauthorized Work Prohibited**

It is unlawful for any permittee who has obtained a permit to do or cause to be done any construction activity authorized by such permit in a manner contrary to that authorized by the permit.

### **12.20.140 Stop Work or Permit Suspension or Revocation Conditions**

(a) It shall be the duty and the obligation of the permittee to ensure that construction activities conducted under the authority of a permit authorized by this chapter are done in accordance with the permit and, if applicable, meet all of the requirements of the National Pollutant Discharge Elimination System (NPDES) one acre and larger construction permit or five acre and larger construction permit as required by the state of Wyoming Department of Environmental Quality.

(b) In the event any construction activities are being done contrary to the terms of this chapter, or contrary to the terms of any permit authorizing such construction, the City Mayor may, in addition to any other remedies provided, order the construction activity stopped by notice in writing served upon the permittee engaged in doing the construction work and such permittee shall immediately stop such work or take corrective measures as specified by the City Mayor to comply with the terms of the permit or provisions of this chapter.

(c) The City Mayor may suspend or revoke any permit issued under the provisions of this chapter whenever the permit is issued in error, or on the basis of incorrect information supplied, or when the construction work for which the permit is issued is being done in violation of the terms of this chapter, or any rules and regulations promulgated hereunder.

### **12.20.150 Hazardous Siltation or Pollution-Notice and Remedial Measures**

In the event the earthwork, or soil erosion, or siltation, or pollution of any surface water caused by the construction activity, constitutes an immediate hazard to the life, health, or safety of persons or property, the City Mayor may order the immediate cessation of any construction activities causing such hazard, and may further order the permittee to take any necessary remedial measures to abate such hazard.

(a) In the event of such imminent hazard, the City Mayor shall be authorized to notify the permittee, or the person authorized by the permittee to receive notice, in person or by telephone, and shall, as soon as reasonably possible, follow such notice with a written notice or order ordering the cessation of the earthwork and any remedial measures necessary for the abatement of the hazard.

(b) In the event the permittee fails to commence compliance with the requirements in the written notice within twenty-four hours of service of the written notice upon him, or the person authorized to receive notice and complete the same within a reasonable amount of time, the City

Mayor is authorized to commence and complete the remedial measures at the expense of the permittee.

#### **12.20.170 Violation-Notice-Remedy and Enforcement Authority**

(a) In the event the City Mayor determines that the permittee is conducting construction activities in violation of the terms of this chapter, his permit or any rules and regulations promulgated pursuant to this chapter, and such does not constitute a hazard to the life, health and safety of persons or property, the City Mayor shall notify the permittee in writing of the violation or violations.

- (i) Such notice shall specify the section or rule and regulation, or portion of the permit being violated, and shall further specify what action the permittee must take to remedy the violation.
- (ii) The notice shall further specify the time in which the permittee shall be allowed to commence and complete the remedial procedures. If no time is specified, the measures shall be commenced and completed within seven calendar days from the date the notice is served.

(b) In the event the permittee does not commence and complete the same in compliance with the written notice, the City Mayor is authorized to enter upon the property for which the permit has been granted, and commence and complete the remedial measures at the expense of the permittee. The permittee shall pay the City for all of its expenses incurred in doing remedial measures in compliance with this section, upon demand from the City.

#### **12.20.190 Violation-Penalty**

Any person who conducts any construction activity, not exempted by this chapter without first obtaining a permit therefor, or who violates the terms of this chapter, shall be deemed guilty of a misdemeanor. Each day such violation occurs shall be a separate offense. The penalty for such violation shall be that set forth in Chapter 1.28 of this code.

### **CHAPTER 12.24** **OBSTRUCTIONS**

#### **12.24.010 Exempt Obstructions Designated**

Barricades, refuse cans, streetlights, utility poles, fireplugs, parking meters and other like obstacles, because of necessity or by ordinance or by written permission of the Mayor, are permitted to occupy space upon the sidewalk and are exempt from the provisions of this chapter.

### **12.24.030 Sidewalk Obstructions Prohibited When**

It is unlawful for any person owning, occupying or having control of any premises to place or permit upon the sidewalk or the half of the street adjacent to such premises:

(a) Any broken ware or glass, and filth, rubbish, refuse matter, ice, water, oil, mud, garbage, ashes, tin cans or other like substances;

(b) Any automobile, truck or trailer from which merchandise is sold, or any automobile, truck or trailer on the sidewalk, any box or boxes, bicycle, toy, merchandise or other things that will obstruct the sidewalk or street in any way; provided, that the City Council shall have the power, upon request for permission by any property owner, or any other person, to authorize temporary use of the sidewalks, if found justifiable by the City Council and in the public interest.

### **12.24.040 Clear View at Corners of Intersections**

In all residentially zoned areas on public or private property at any corner formed by intersecting streets, it is unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view within that triangle formed by the intersection of the curb face of the extended curb lines, as defined by Figure 17.12.120 of this code, measured back a distance of thirty feet with a line drawn to form a right triangle.

### **12.24.050 Exceptions to Section 12.24.040**

The provisions of Section 12.24.040 of this chapter shall not apply to:

(a) Permanent buildings;

(b) Public utility poles;

(c) Hedges trimmed to a height of less than thirty-six inches above the sidewalk;

(d) Trees (the limbs of which overhang the public sidewalk and are at all times kept trimmed of limbs and sucker growth on the trunk to a height of at least eight feet above the sidewalk, or the limbs of which overhang the public street and are at all times kept trimmed of sucker growth to a height of at least fifteen above the street level, or plant species not planted in the form of a hedge which are so planted and trimmed as to leave, at all times, a clear and unobstructed cross view;

(e) Official warning signs or signals;

(f) Places where the contour of the ground is such that there can be no cross visibility at the intersection; or



(g) Signs mounted ten feet or more above the ground whose supports are twelve inches or less in diameter and do not constitute an obstruction.

**12.24.060 Limitations on Excepted Obstructions**

No obstruction to cross visibility shall be deemed to be excepted from the application of this article because of its being in existence at the time of the adoption of the regulations codified in this chapter, unless expressly exempted by the terms of this article.

**12.24.070 Enforcement Authority**

The enforcement of this article shall be under the direction of the Mayor, who shall investigate violations of this article and perform such duties in connection with the enforcement of this article as may be required.

**CHAPTER 12.28**  
**HOUSE NUMBERING**

**12.28.010 Numbering Required-Odd and Even Numbers**

All residence and business houses shall number their residences or places of business in plain numbers not less than three inches high, with the even numbers on the west side and the odd numbers on the east side of the streets, likewise the even numbers on the north side of the streets and the odd numbers on the south side of the streets respectively.

**CHAPTER 12.36**  
**PARKS**

**Article I. Park Operation Policies**

**12.36.010 Hours of Operation**

Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year between the hours of six a.m. and twelve midnight. The opening and closing hours for each individual park shall be posted therein for public information.

**12.36.020 Closure of Areas**

Any section or part of any park may be declared closed at any time to the public by the Mayor or his duly authorized representative, and for any interval of time, as the Mayor or his duly authorized representative shall find reasonably necessary.

**12.36.030 Glass Beverage Containers Prohibited**

(a) No person shall have in his or her possession, or dispose of, any glass beverage containers in any City park. This prohibition applies to all circumstances, including activities allowed by City-granted permit.

(b) Any person violating any provision of this section is guilty of a misdemeanor, and may be punished as provided in Chapter 1.28 of this code, as amended.

**12.36.040 Alcoholic Beverages and Public Intoxication**

(a) It is unlawful for any person to bring into, possess or consume any alcoholic or malt beverages on or in any public park or loiter in an intoxicated condition in such park owned by the City.

(b) Upon application to the Mayor or his duly authorized representative, any person may obtain permission to bring in, possess and consume alcoholic or malt beverages on or in the areas mentioned in subsection A of this section.

**12.36.050 Loitering and Other Disorderly Conduct**

No person shall sleep or protractedly lounge on the seats or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace in a park.

**Article II. Tennis and Basketball Court Regulations and Restrictions**

**12.36.070 Glass Beverage Containers Prohibited**

(a) No person shall have in his or her possession, or dispose of, any glass beverage containers in any public tennis court.

(b) Any person violating any provision of this section is guilty of a misdemeanor and may be punished as provided in Chapter 1.28 of this code, as amended.

**12.36.080 Alcoholic Beverages and Public Intoxication**

It is unlawful for any person to bring into, possess or consume any alcoholic or malt beverages on or in any public tennis court or loiter in an intoxicated condition in such tennis court within or owned by the City.

**12.36.090 Loitering and Other Disorderly Conduct.**

No person shall sleep or protractedly lounge upon, or engage in loud boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace in any public tennis or basketball court.

### **12.36.100 Tennis and Basketball Court Surface Wear Prohibitions**

(a) It is unlawful for any person to enter upon any public or City-owned tennis or basketball court with anything other than rubber-soled shoes. No skateboard, roller blades, roller skates, wheeled apparatus of any kind, cleats, hard-soled shoes, boots, etc., will be allowed on any public or City-owned tennis or basketball court.

(b) Any person violating any provision of this section is guilty of a misdemeanor and may be punished as provided in Chapter 1.28 of this code, as amended.