This electronic Code includes Ordinances 2007-01, 2007-07 thru 2007-10. If you require Ordinances passed after 2007-10, please contact:
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SUPPLEMENT PREFACE

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CHAPTER 1

INTRODUCTION

The first seven sections of Chapter 1 describe how the City Code is constructed and implemented. The remaining sections describe the general powers of the City of Cody Governing Body as authorized in Wyoming State Statutes (WSS) 15-1-103.

GENERAL PROVISIONS

1-1. How Code designated and cited.
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1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated as "The Code of the City of Cody, Wyoming," and may be so cited. The Code may also be cited as the "Cody City Code."

1-2. Definitions and rules of construction.

In the construction of this Code and all ordinances of the city, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the Governing Body or the context clearly requires otherwise:

Adult. The word "adult" means a person who is not a minor.

Bond. When a bond is required, an undertaking in writing shall be sufficient.

City. The word "city" means the City of Cody, in the County of Park, in the State of Wyoming.

City Council or council. The words "city council" or "council" shall mean the city council of the City of Cody, Wyoming.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; Saturday and Sunday shall be excluded from computation.

County. The word "county" means the County of Park, in the State of Wyoming.

In the city. The words "in the city" mean and include any territory within the corporate limits of the City of Cody, Wyoming, and the police jurisdiction thereof, and any other territory over which regulatory power has been conferred on the city by general or special act, except as otherwise specified.

Governing Body. The words “Governing Body” mean the members of the Governing Body constituting the elected legislative body of the city including the Mayor who is the presiding officer.

Majority. When used in a context denoting age, the word "majority" means that period of time when a person is an adult. A person who has reached the nineteenth anniversary of his birth has reached the age of majority and, as an adult, has all of the rights and is subject to all the responsibilities formerly granted or imposed upon a person who had reached the twenty-first anniversary of his birth, either by ordinance, statute or at common law.

Minor. When used in a context denoting age, the word "minor" means a person who has not yet reached the nineteenth anniversary of his birth.

Minority. When used in a context denoting age, the word "minority" means that period of time when a person is a minor.

Month. The word "month" means a calendar month.

Number. Words used in the singular include the plural and words used in the plural include the singular.

Oath. The word "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" are equivalent to the words "affirm" and "affirmed."*

Owner. The word "owner," applied to a building or land, shall include not only the owner of the whole, but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land, and shall include any agent of

such owner, and where such owner is a body corporate, it shall include the managing agent or officer within the city.

Person. The word "person" includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.*

Personal property. The words "personal property" include every species of property, except real property.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Property. The word "property" includes real, personal and mixed property.

Shall, may. The word "shall" is mandatory and "may" is permissive.

Sidewalk. The word "sidewalk" means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

Signature, subscription. The word "signature" or "subscription" includes a mark when the person cannot write, when his name is written near such mark and is witnessed by two persons who write their own names as witnesses.

State. The word "state" means the State of Wyoming.

Street. The word "street" means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.

Tenant, occupant. The words "tenant" and "occupant," applied to a building or land, mean any person who occupies the whole or a part of such building or land, whether alone or with others.

Time. Words used in the past or present tense include the future as well as the past and present.

Writing, written. The words "writing" and "written" include typewriting, printing on paper and any other mode of representing words and letters.

Year. The word "year" means a calendar year.

1-3. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same in substance as those of the Code and ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

1-4. Catchlines of sections.

The catchlines of the sections of this Code are intended as mere catchwords to indicate the contents of the sections, and shall not be deemed or taken to be titles of such sections, nor as any part of any section, nor, unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted.

1-5. Severability of parts of Code.

If for any reason any part, section, subsection, sentence, clause or phrase of this Code, or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code.

1-6. Repealing an ordinance of repeal.

When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein so expressly provided.

1-7. Rules and regulations incorporated by reference; disposition.

(a) At every place in this Code, where reference is made, and compliance required, to any other rules or regulations, such rules or regulations as in current use at such time as they may be required, are hereby declared to be a part of this Code by this reference, and also a part of such ordinances as may refer to them, by such reference.

(b) Whenever possible, copies of all such rules or regulations as in current use from time to time shall be kept on file in the office of the city clerk, and also in the office of such other city department as may be instrumental in requiring compliance with such rules or regulations.

l-8. City seal--Description.

The seal of the city shall be of the following design, namely: A seal, the impression of which shall be in circular form, bearing the words, "SEAL OF THE CITY OF CODY, WYOMING" on the outer edge, and the words, "INCORPORATED 1901" in the center.

1-9. Same--Use.

The seal of the city shall be affixed to all warrants, licenses, contracts, deeds, resolutions, ordinances, minutes of the Governing Body proceedings, and all other papers which are signed by the mayor and attested by the city clerk.

1-10. Police jurisdiction.

In all cases wherein it shall be deemed necessary in order to protect the rights of the citizens of the city, as regards health nuisances and unsanitary conditions, police jurisdiction in the enforcement of the laws and ordinances of the city shall include all persons, property or premises within the authority allowed by state law or as defined by a mutual aid agreement

Sec. 1-11. General penalty; continuing violations.

Wherever in this Code, except Section 1-12, or any ordinance, rule or regulation promulgated by any officer or agency of the City under authority vested in him or it by law or ordinance, any act is prohibited or is declared to be unlawful, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision of this Code, or any such ordinance, rule or regulation shall constitute a misdemeanor and should be punished by a fine of not more than Seven Hundred Fifty Dollars, to which shall be added court costs up to the maximum allowed by law provided, however, in addition to or in lieu of the monetary fine, a jail sentence not to exceed six months may be imposed for the violation of the following ordinances:

Chapter 3 (Alcoholic Beverages)
Section 3-8 (Sales to Minors)

Chapter 17 (Vehicles)
Section 17-2 (Adoption of Uniform Act); Section 17-6 (Leaving the Scene of an Accident); Section 17-8 (a)(Drivers Licenses); Section 17-8(c)(Liability Insurance); Section 17-9 (Damaging vehicles, throwing rocks at vehicles, tampering with traffic devices); Section 17-21 (DUI).

Chapter 19 (Nuisance Abatement)
Section 19-1 (Abatement, Owner, Property, Public Nuisance)

Chapter 20 (Miscellaneous)
Section 20-22 (Malicious Mischief); Section 20-23 (narcotics, sale, use, possession); Section 20-23-1 (Drug paraphernalia); Section 20-26 (aiding in escape of prisoners); Section 20-27 (Delivery of articles to prisoners); Section 20-28.1 (Shoplifting)

Chapter 24 (Police Department)
Section 24-6 (Obstructing, resisting arrest, aiding persons to escape custody)

Each daily violation of this code or any such ordinance, rule or regulation shall constitute a separate offense.

1-12. Refusal to pay fines.

Any person against whom any fine or penalty shall be adjudged under the provision of this Code or any ordinance, rule or regulation promulgated by any officer or agency of the city under authority vested in him or it by law or ordinance, who shall refuse or neglect to pay the same, may be charged additionally and/or committed to jail until the fine and costs are fully paid or otherwise legally discharged or remitted.

1-13. Late payment charge for delinquent bills.

Any charges made by the city for utilities, meters, hookup fees, connection fees, service charges and other fees and charges made by the city which are not paid within thirty days of the date of the first billing shall be subject to a charge of one and one-half percent per month plus administrative fees as authorized by the Governing Body until said obligation has been paid.

1-14. Accounting and processing charge on insufficient funds payments.

The city has the right to assess accounting and processing fees as allowed by law against any drawer who issues an insufficient funds payment to the city for payment of any charge, invoice, assessment or account. The terms "check," "drawer," "insufficient funds," and "issue" are defined for purposes of this section pursuant to the definitions set forth in WSS.

CHAPTER 2

ADMINISTRATION

INTRODUCTION

This section describes the incorporation of the city and its designation as a first class city under WSS 15-1-301. The remaining sections outline when and how the Governing Body conducts business and fulfills its statutory duties according to WSS 15-1-103 and Title 16 particularly as it relates to Public Records, Documents and Meetings.

The City of Cody, Wyoming shall not be governed by the provisions of Sections 15-1-125, 15-3-204, 15-3-205, 15-5-208, 15-3-210, and 15-3-212 of Wyoming Statutes 1997.

In General

2-1. Incorporation.
2-2. City of the first class.

Governing Body

2-3. Meetings--Regular.
2-4. Same--Special.
2-5. Same—Emergency or Executive Sessions.
2-6. Same--Attendance by officers and employees.
2-7. Presiding officer.
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Rules of Order

2-9. Call to order; quorum.
2-10. Order of business.
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2-14. Voting of the Governing Body.
2-15. Record of ayes and nays.
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2-19. Journal of proceedings and minutes from meetings.
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2-34. Regulations authorized to be imposed by proclamation.
2-35. When proclamation to become effective.
2-36. Termination of emergency.

General Information

2-1. Incorporation.

The town of Cody was duly incorporated as a municipal corporation under the laws of the state in the year 1901.

2-2. City of the first class.

The town pursuant to a proclamation of the mayor, duly certified by the Honorable Lester C. Hunt, governor of the state, was declared to be a city of the first class on date of October 17, 1947. Such proclamation being duly filed for record in the office of the county clerk and ex officio registrar of deeds, Park County, Wyoming, on the 18th day of November, 1947, and recorded in Book 126 at page 495 of the records of such county.

Meetings of the Governing Body

2-3. Meetings--Regular.

(a) Regular meetings of the Governing Body shall be held on the first and third Tuesday of the month after the election of the Mayor and Governing Body, unless Tuesday is observed as a legal holiday by the Governing Body. In those circumstances, the meeting shall be held on the following day (Wednesday). Regular meetings shall be held at 7:00 p.m. in the Council Chambers at City Hall unless otherwise published. No conditions can be placed on the right of a member of the public to attend any meetings except that a person seeking recognition can be required to give his/her name and affiliation. An emergency meeting on matters of serious immediate concern can be held for the purpose of taking temporary action without notice. If action taken at an emergency meeting is to be made permanent, it must be reconsidered and acted upon at an open public meeting within 48 hours. The presiding officer may order the removal of a person or a group of persons if any meeting is willfully disrupted and the orderly conduct of the meeting is being rendered unfeasible and order cannot be restored.

(b) Attendance at official meetings shall be governed by Wyoming Statute 15-1-107, which states that a vacancy in the office of Mayor or Councilman exists if during the term for which elected any mayor or councilman fails to attend four (4) or more consecutive regularly scheduled meetings of the council without an excused absence as determined by a majority of the council. An absence shall be determined to be excused or unexcused by the Mayor with consent of the Council; in the case of a Board or Commission, the absence shall be determined to be excused or unexcused by the President or Chairperson of the board or commission to which the member is appointed.

(c) This section, in addition to elected Councilmembers, shall apply to all board and commission appointees with respect to attendance requirements.

2-4. Same--Special.

The presiding officer of the governing body, or a majority of the qualified members of the governing body, may call a special meeting by giving notice of the meeting to each member of that body and to each newspaper of general circulation and radio or television station requesting such notice. The notice must state the time, place, and business to be transacted at the meeting. No other business can be considered at a special meeting (W.S. 15-1-105 and W.S. 16-4-404(b)).

2-5. Same--Emergency or Executive Sessions.

Except as otherwise provided in the law, all meetings of the governing body and all other boards, commissions, and agencies of the municipality must be open to the

public at all times. The right to go into executive session is restricted by the open meeting laws (W.S. 16-4-403). Any action taken which is not in conformity with this law is null and void.

2-6. Same-Attendance by officers and employees.

The city clerk shall attend all meetings of the Governing Body and make an accurate record of all business transacted at each meeting. The administrator and attorney shall likewise attend all meetings of the Governing Body, unless excused by the mayor.

2-7. Presiding officer.

The mayor shall preside at all meetings of the Governing Body, except as otherwise provided for in Sec. 2-8 of the Code. The presiding officer shall see that the established order of business is followed and that the meeting is conducted in a dignified and decorous manner. In general the presiding officer shall follow parliamentary procedures as adopted by the current version of Robert's Rules of Order, in conducting meetings. The mayor shall have one vote on all matters coming before the Governing Body upon which a vote is taken, except a vote:

(a) To override a veto;

(b) To confirm an appointment.

2-8. President and acting president of the Governing Body.

The Governing Body of the city may elect one of their body as the "president of the Governing Body," who shall preside at all meetings of the Governing Body in the absence of the mayor. In the absence of the president of the Governing Body, the Governing Body may elect one of their own body to occupy the president's place temporarily, and who shall be styled "acting president of the Governing Body." The president and acting president, when occupying the place of the mayor, shall have the same privileges as other members of the Governing Body, and all acts of the president and acting president, while so acting, shall be binding upon the Governing Body and upon the city as if done by the mayor.

2-9. Call to order; quorum.

At the hour appointed for the meeting, the Governing Body shall be called to order by the presiding officer. Four members of the Governing Body shall constitute a quorum for the transaction of business at any meeting.

2-10. Order of business.

The order of business at each regular Governing Body meeting shall be listed on an official agenda under the direction of the Mayor including any supporting documents and shall not in any case be departed from, except by consent of a majority of the members present. The Mayor may use a consent agenda. If a consent agenda is utilized any member of the governing body or a person attending the meeting may remove an item from consent. If any item is removed from the consent agenda, it will be discussed and voted on separately.

2-11. Preservation of order.

The mayor or presiding officer shall preserve order, prevent personal reflections, confine members in debate to the question, and shall decide who shall be first heard when two members rise at the same time. Any member of the Governing Body when called to order by the presiding officer shall at once suspend remarks.

2-12. Recognition by presiding officer.

Each member of the Governing Body, before speaking on any question, shall address questions or comments to the presiding officer using the proper title, and shall not proceed with remarks until recognized and named by the presiding officer.

2-13. Motions generally.

No question on a motion shall be debated or put to a vote unless the same be seconded. When a motion is seconded it shall be stated by the presiding officer before debate or action thereon. Any motion shall be reduced to writing by the member making it, if the presiding officer or any member shall ask it.

2-14. Voting

Each member of the Governing Body who shall be present when a question is to be voted upon shall vote thereon, unless excused by the Governing Body. A Governing Body member may, before the vote is called for give reasons for not voting. Any member must assure their actions comply with conflict of interests laws and shall refrain from voting when a conflict is present (W.S. 6-5-101, 15-1-127).

2-15. Record of ayes and nays.

On the question of the passage of an ordinance or resolution the vote of the Governing Body shall be taken by ayes and nays and a record of the same shall be made

upon the journal, which shall show how each Governing Bodymember voted. Any Governing Body member can change their vote previous to the announcement of the vote of the Governing Body.

2-16. Ordinances, resolutions, etc .-Introduction; passage and suspension of rules.

All ordinances hereafter adopted and passed by the Governing Body shall be introduced in writing . Every ordinance shall be publicly read on three different days. Public reading may be made by title only. At least ten days shall elapse between the introduction and final passage of every ordinance. For an emergency ordinance, the requirements of this section may be suspended by the affirmative vote of three-fourths

of the elected and qualified members of the governing body. No franchise may be granted by emergency ordinance.

Passage of an ordinance requires the affirmative vote of the majority of elected members of the governing body. The passage of an emergency ordinance requires the affirmative vote of three-fourths of the elected and qualified members of the governing body.

2-17. Same--Approval and record.

All ordinances, bylaws and resolutions shall, within a reasonable time after the passage thereof, be signed by the mayor and attested by the city clerk and recorded in a book kept for that purpose. In all cases where a motion is entered upon the journal of the Governing Body, the name of the member moving the same shall also be entered.

2-18. Style of ordinance.

The style of an ordinance shall be, "Be it ordained by the governing body of the City of Cody, Wyoming."

2-19. Journal of proceedings.

The city clerk shall keep a correct journal of the proceedings of the Governing Body. The journal may consist of three separate books; a minutes book, a resolutions book, and an ordinance book. The following materials should be included: minutes of each meeting, copies of agendas and supporting information, a record of each motion including names and disposition, a record of attendance, the names of all persons appearing before the governing body and the nature of their request, and meeting times and adjournment. The journal of the proceedings shall be open for inspection at all reasonable times.

The governing body is required to designate a “legal newspaper” and to publish once, the minutes of all regular meetings, special meetings, workshops where

Governing Body action is taken, and titles of all ordinances passed. Within 12 days after each meeting adjourns, the clerk must furnish a copy of the proceedings to the newspaper (W.S. 15-1-110 (a)).

2-20. Allowance of bills or claims.

No bills or claims against the city shall be allowed except as authorized by written requisition, except salaries of city officials and necessary payroll expenses, and until approved by a majority of the Governing Body.

2-21. Amendment or repeal of rules.

The foregoing rules may be amended or repealed at any regular meeting of the Governing Body, provided that any proposed amendment or repeal has been proposed in writing at a previous meeting, and provided further that a majority of the Governing Body shall agree to the amendment or repeal and the action is allowable by WSS.

Appointive Officers

Section 2-22. Appointed Officers.

The Mayor, by and with the consent of the Council, shall appoint a City Administrator, a City Attorney and a Municipal Judge and fix their salaries. The Mayor shall also, with the advice and consent of the Council, make all appointments to boards and commissions of the City.

Section 2-23. City Administrator.

The City Administrator shall not receive any compensation for the performance of his duties other than the compensation fixed by the Governing Body. The City Administrator is an atwill employee and serves at the pleasure of the Governing Body. Salary may be changed from year to year and the City Administrator may be discharged at any time by a majority vote of the governing body. The City Administrator shall give at least thirty (30) days notice in writing to the Council before resigning the position. The Mayor, with the consent of Council, shall immediately proceed to appoint another person as City Administrator. If there is any delay in securing a new or interim administrator, the Mayor shall act as Administrator for up to 180 days, at no additional compensation and shall be vested with authority and charged with the duties and responsibilities of the Administrator until a new Administrator is appointed.

Section 2-24. Duties of City Administrator.

Except for the positions required in Section 2 above to be filled by the

Governing Body, all employees shall be employed by the City Administrator, The Administrator shall direct and supervise their activity and shall make recommendations concerning salaries according to the employee's classification and any adopted wage and salary schedule. The Administrator shall designate all department head positions that the governing body approves and provides for. The Administrator shall have managerial control over all such departments and may hire and remove all necessary subordinates whosoever. The Administrator shall notify the Governing Body of dismissals, terminations and demotions the day the action occurs. The Administrator shall notify the Governing Body of newly hired employees, transfers, promotions and resignations in a timely fashion. Except as otherwise provided, the Administrator shall prescribe the powers and duties of all employees, including department heads and subordinates and may require any employee to perform duties in two or more departments. The Administrator shall file with the Clerk a list of the names of all employees together with a statement of the salary compensation each is to receive. The City Administrator shall recommend such rules and regulations necessary for the efficient and economical conduct of the business.

Additionally, the City Administrator shall see that all laws and ordinances are observed and enforced; attend all meeting of the Governing Body unless excused; recommend necessary and expedient measures; prepare and submit to the Governing Body reports required by it, and reports that the City Administrator considers advisable; keep the Governing Body fully advised as to the City's financial condition and future needs; prepare the budget annually; submit to the Governing Body and be responsible for its administration after its adoption; and perform all other duties legally imposed on said position.

2-25. Oath and bond.

Each person appointed to any office under this Code or other ordinances of the city shall, before entering upon the performance of the duties of such office, subscribe an oath or affirmation to honestly and faithfully perform and discharge the duties of such office to the best of his ability. In addition thereto, certain officers shall be required to furnish bonds in accordance with State Law.

2-26. Salaries.

(a) The annual salary for the mayor shall be eighteen thousand dollars commencing January 1st, 2001, and shall be paid in twenty-six bi-weekly installments.

(b) Each Governing Bodymember shall be paid compensation quarterly in the sum of fifty dollars for actual attendance at each regular or special meeting of the Governing Body, or any other meeting at which the Governing Bodymember is an official representative of the Governing Body.

2-27. Duties of city attorney.

The duties of the city attorney shall be as follows:

(a) Commence, prosecute and defend all suits to which the city is a party, in all courts of the city and state.

(b) Prosecute all suits for the violation of any provision of this Code or other city ordinance.

(c) Give advice to the mayor and any member of the Governing Body on legal questions arising relating to the business of the city. Draw all contracts to which the city is a party.

(d) Review and revise all ordinances prior to their final passage by the Governing Body.

(e) Draft and prepare all ordinances when so requested by the mayor, any member of the Governing Body or the City Administrator.

(f) Attend the meetings of the Governing Body.

(g) Do all legal work relating to the city's business and perform such other duties as may be required by the mayor, the Governing Body, or City Administrator, or by law.

Bonds

2-28. Who may act as sureties.

Whenever any bond, recognizance or other obligation is by law, ordinance, rules or regulations of the city required or permitted to be tendered or filed, with sureties, and whenever the performance of any act or obligation, or the refraining from any act, is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guarantee may be executed either by a guaranty or surety company qualified to act as surety or guarantor under the laws of the state, or by two or more individuals, who shall be qualified as hereinafter provided.

2-29. Qualifications of individual sureties.

In case any bond, recognizance or other obligation of the character hereinbefore mentioned shall be executed on behalf of the party named therein as principal by two or more individuals as sureties, such sureties and each of them shall be resident property holders of the city, and shall justify upon oath to an amount of property equal to twice

the value of the amount of the bond, recognizance or other obligation executed by them, exclusive of the amount of their debts, exemptions and other liabilities.

2-30. Approval required.

All bonds as referred to in this division shall be of a form to be reviewed by the city attorney and the Governing Body.

2-31. Required; conditioned upon.

The clerk of the city or other employees directed by Governing Body, having custody of monies belonging to the city shall, before entering upon the performance of their respective duties, be required to furnish a bond in the amount hereinafter prescribed for such office, which bond shall be conditioned upon:

(a) the faithful performance by such employee, of all the duties of their office as prescribed by law;

(b) the safe keeping of all money which may come into their hands by virtue of their office.

.

2-32. Premium paid by city.

When the bond of any employee authorized by the city having custody of public money shall be furnished by a guaranty or surety company, the premium due such company for furnishing such bond shall be paid out of the public funds of the city.

2-33. Form.

All bonds required by this division shall be of a form to be reviewed by the city attorney and the Governing Body.

Civil Emergencies

2-34. Regulations authorized to be imposed by proclamation.

Whenever, in the judgment of the mayor or in the event of his inability to act, the president of the Governing Body, determines that an emergency exists as a result of mob action or other civil disobedience causing danger of injury to or damages to persons or property, he shall have power to impose by proclamation any or all of the following regulations necessary to preserve the peace and order of the city:

(a) To impose a curfew upon all or any portion of the city thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, that physicians, nurses and

ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and city authorized or requested law enforcement officers and personnel may be exempted from such curfew.

(b) To order the closing of any business establishments anywhere within the city for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.

(c) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.

To call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city.

2-35. When proclamation to become effective.

The proclamation of emergency provided herein shall become effective upon its issuance and dissemination to the public by appropriate news media.

2-36. Termination of emergency.

Any emergency proclaimed in accordance with the provisions of this article shall terminate after forty-eight hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for such additional periods of time as determined necessary by resolution of the governing body.

Chapter 3

ALCOHOLIC BEVERAGES

INTRODUCTION

Chapter 3 describes the powers of the Governing Body to issue and regulate the sale or consumption of alcoholic beverages as provided by Title 12 of the Wyoming State Statutes; Alcoholic Beverages.

In General

3-1. Definitions.
3-2. Adoption of state alcoholic beverage laws.
3-3. Sales by fraternal clubs.
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3-6. Sales, etc., to or entry upon premises by minors and attempts by minors to enter or purchase.
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Licenses

3-9. Types of licenses and permits.
3-10. Numbers, application, issuance and regulation of licenses and licensees.
3-11. Publication of notice of application for license; grant or denial; renewal preferences; appeals.
3-12. License contents, signatures and display.
3-13. Term, transfer and sale.
3-14. License fees.
3-15. Suspension or revocation of license.

3-1. Definitions.

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

Alcoholic liquor means any spirituous or fermented fluid, substance or compound other than malt beverage intended for beverage purposes which contains more than one percent of alcohol by volume.

Building means a roofed and walled structure built or set in place for permanent use.

Club means any of the following organizations:

(1) A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;

(2) A chapter, lodge or other local unit of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this subparagraph, an "American fraternal organization" means an organization actively operating in no less than thirty-six states or having been in active continuous existence for not less than twenty years, but does not mean a college fraternity;

(3) A hall or building association of a local unit specified in subparagraphs (a) and (b) of this subsection, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;

(4) A golf club having more than fifty bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;

(5) A social club with more than one hundred (100) bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one year. The club shall have had during this one-year period a bona fide membership paying dues of at least twenty-five dollars per year as recorded by the secretary of the club, quarterly meetings and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the licensing authority and the commission, a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the licensing authority and commission a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license pursuant to Wyoming Statute 12-4-301, shall be in good standing by having paid at least one (1) full year of dues;

Commission means the Wyoming Liquor Division within the Department of Revenue created under Wyoming Statute 12-2-106.

Restaurant means space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premise consumption and where the primary source of revenue from the operation is

from the sale of food and not from the sale of alcoholic or malt beverages. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full-service restaurant. "Full service restaurant" means a restaurant at which waiters or waitresses deliver food and drink offered from a printed food menu to patrons at tables or booths. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed as a restaurant for the purposes of this section;

Room means an enclosed and partitioned space within a building large enough for a person to enter but not a cabinet. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling;

Sell or sale includes offering for sale, trafficking in, bartering, delivering or dispensing and pouring for value, exchanging for goods, services or patronage or an exchange in any way other than purely gratuitously. Every delivery of an alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale;

Wholesaler means any person except the commission, who sells any alcoholic or malt beverage to a retailer for resale.

3-2. Adoption of state alcoholic beverage laws.

Except as otherwise provided in this Code or other city ordinances, the sale of alcoholic and malt liquors in the city shall be in compliance with Title 12, Alcoholic Beverages of the Wyoming Statutes (1977) as amended, as the same shall apply to the city. A copy of such laws and of any subsequent laws and amendments thereto shall be kept on file in the office of the City Clerk, and the same are made a part of this section by this reference, as though incorporated herein at length.

3-3. Sales by fraternal clubs.

No club as defined in this chapter holding a limited retail liquor license shall sell alcoholic or malt beverages for consumption anywhere except the building or space in the building or the premises leased or owned by such club for the use of its members and guests, and it shall be the duty and obligation of said club to so check and regulate the sale to members and guests that any and all alcoholic or malt beverages sold by it shall be consumed in such building, space or premises.

3-4. Hours of sale.

(a) All licensees may open the dispensing room at 6:00 A.M. and shall close the dispensing room and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 A.M. the following day. In addition, licensees shall clear the dispensing room of all persons other than employees by 2:30 A.M.

(b) The hours of operation designated in subsection (a) of this section may be modified on no more than four days each calendar year by a resolution or agreement by the Governing Body designating those dates during city fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing rooms for a period of twenty-four hours beginning at 6:00 A.M. on any day including Sunday.

3-5. Location, regulation and restrictions as to places of sale.

(a) The principal place in which alcoholic liquor and malt beverages are sold under a license shall be located in one room upon the premises for which the license is issued. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located and in an immediately adjacent fenced or enclosed area as approved by the City of Cody. This area shall not be in another building and shall be located on the licensed premises. Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco and national alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the national alcoholic liquor and malt beverage firm or company whose product the item is advertising, may be sold and served in the licensed room. The City of Cody shall, as often as necessary, inspect the licensed room and adjoining rooms where alcoholic beverages are served to ensure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premises consumption from the facility used to serve customers for on-premises consumption without payment of an additional fee. A separated facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption. The two facilities may be separated by a glass or other suitable partition.

(b) If a licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one additional dispensing room under the same fee referred to in subsection (a) of this section. For the purposes of this subsection, a convention facility shall have and maintain all of the following:

(1) Motel or hotel sleeping room accommodations;

(2) Restaurant facilities; and

(3) Conference facilities

3-6. Sales, etc., to or entry upon premises by minors and attempts by minors to enter or purchase.

(a) No licensee or agent, employee or servant thereof shall knowingly permit any person under the age of eighteen (18) years to enter or remain in the licensed room or rooms where alcoholic or malt beverages are dispensed. No person under the age of eighteen (18) years shall enter or remain in the licensed room or rooms where alcoholic beverages are sold unless:

(1) Accompanied by his parent or guardian who is at least eighteen (18) years of age and the licensed room is for the sale of alcoholic or malt beverages for off-premises consumption and separate from any licensed room for on-premises consumption ; or

(2) With the approval of the local licensing authority, in a dining or waiting area with an adult not later than 10:00 p.m. if the dining or waiting area is part of the licensed room.

(b) When the licensed room or rooms are not open for the sale or dispensing of alcoholic or malt beverages, employees of the licensee under the age of eighteen (18) may be permitted in the course of their employment to work in the room or rooms.

(c) Any person violating subsection (a) of this section or aiding, abetting or inciting any violation thereof is guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars ($750), imprisoned for not more than six (6) months, or both.

(d) Every person who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic or malt beverage to any person under the age of twenty-one (21) years who is not his legal ward, medical patient or member of his own immediate family, is guilty of a misdemeanor.

(e) Any person under the age of twenty-one (21) years who has any alcoholic or malt beverage in his possession or who is drunk or under the influence of alcoholic or malt beverages or a controlled substance on any street or highway or in any public place, is guilty of a misdemeanor. This subsection does not apply to possession of alcoholic or malt beverages by a person under the age of twenty-one (21) years:

(1) When making a delivery of alcoholic or malt beverages pursuant to his employment;

(2) Who is in the physical presence of his parent or legal guardian;

(3) Who is a licensee under this title; or

(4) When serving alcoholic or malt beverages pursuant to his or her employment in a restaurant which holds a license to serve alcoholic or malt beverages, if the person is at least eighteen (18) years of age.

(f) Any person under the age of twenty-one (21) years who attempts in any manner to purchase alcoholic or malt beverages, or who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor.

(g) Any person who violates this section, or aids, abets or incites any violation hereof, is guilty of a misdemeanor.

(h) A motor vehicle driver's license, a registration certificate issued under the Federal Military Selective Service Act, an identification card issued to a member of the armed forces, an internationally accepted passport document with a discernible date of birth and photograph or an identification card issued by the department of transportation is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded, was shown, and acted in reasonable reliance upon the information contained in any one (1) of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.

3-7 Keg Registration.

(a) As used in this section, "keg" means any brewery-sealed individual container of beer having a liquid capacity of 7 ½ gallons or more, and includes a "party ball", which is a brewery-sealed container of beer having a liquid capacity of 5 ¼ gallons.

(b) Any retail liquor establishment selling alcoholic beverages by the keg within the City shall affix to the keg, at the time of sale, a permanent identification stamp or mark of a type approved by the City Police Department.

(c) Any retail liquor establishment selling alcoholic beverages by the keg within the City shall, at the time of sale, require a valid photographic identification of the purchasers and completion of a written identification form, as approved by the City Police Department, with information containing the purchaser's name, address, date of birth, driver's license number, identification number of the keg sold, date of sale and location where the keg will be physically located when alcohol is dispensed, along with an alternate location if inclement weather would affect the primary location. Purchasers will also be required to sign a written statement on a form provided by City Police

Department indicating that purchaser is aware that it is unlawful for any person to purchase a keg containing an alcoholic beverage and thereafter to allow consumption of an alcoholic beverage by minors unless consumption is authorized and allowed pursuant to other laws of the State of Wyoming. The record shall be maintained for six months from the date of sale, and shall be open to inspection by any peace officer during normal business hours.

(d) The owner of any retail liquor establishment selling alcoholic beverages by the keg within the City, the owners' employee or the owners' agent who fails to affix to the keg the approved identification stamp or mark required above, or fails to obtain the required identification and completely maintain the forms, is guilty of a misdemeanor.

(e) Any owner or operator of a retail liquor establishment selling alcoholic beverages by the keg who fails to ensure that the owners' employees properly comply with Paragraphs B and C above is guilty of a misdemeanor.

(f) It is unlawful for any person who has purchased alcoholic beverages by the keg within the City to remove or alter the identification stamp or mark required in Paragraph A above. It is not a violation of this ordinance if the person removing the identification stamp or mark is an employee of an owner or operator of a retail or wholesale alcoholic beverage establishment who removes the stamp or mark after the return of the keg to the retail establishment.

(g) It is unlawful for the purchaser of a keg to allow anyone to remove or alter the permanent identification stamp or mark from the keg before it is returned to the retail liquor establishment that sold the keg.

(h) It is unlawful for any person to purchase a keg containing an alcoholic beverage and thereafter to allow consumption of the alcoholic beverage by minors, unless the consumption is authorized and allowed pursuant to other laws of the State of Wyoming.

(i) Any owner or operator of any retail liquor establishment or any employee thereof who receives a returned keg shall inspect the returned keg. If the identification stamp or mark has been removed, altered or tampered with, the owner or operator shall immediately notify the City Police Department of that fact. It is unlawful for any owner, operator or employee to fail to notify the Police Department as required herein.

(j) It is unlawful for any person (except an alcohol beverage wholesaler or retailer in the usual course of business) to be in possession of a keg of alcoholic beverage purchased within the City if that keg does not contain the appropriate permanent identification stamp or mark as required by Paragraph B above.

(k) It is unlawful for any person purchasing a keg within the City of Cody to make false application for or provide false information when purchasing a keg.

(l) Any person violating the provisions of this section of the City Code shall be guilty of a misdemeanor and may be fined up to $750.00 for each offense.

3-8. Open containers in public streets, school grounds, parks, etc.

It shall be unlawful for any person to drink, consume, carry, exhibit or have in his possession wines, alcoholic liquors or malt beverages in open or unsealed containers of any type, in or upon the public streets, sidewalks, curbs, alleys, school grounds and parks; provided, however, that the Governing Body and/or its designee, upon application on a written form provided by the City of Cody and upon payment of a $10.00 fee, may grant a permit authorizing use and consumption contrary to the foregoing for picnics, bazaars, fairs, rodeos, special holidays, conventions, tournaments or similar gatherings.

Licenses

3-9. Types of licenses and permits.

Pursuant to Title 12 of the Wyoming Statutes, the city may issue the following types of licenses and permits pertaining to alcoholic beverages:

(a) Retail liquor license;
(b) Limited retail liquor license (special club);
(c) Resort liquor license;
(d) Restaurant liquor license;
(e) Twenty-four hour malt beverage permit;
(f) Special malt beverage permit;
(g) Twenty-four hour catering permit;
(h) Microbrewery permit;
(i) Satellite winery permit.
(j) Bar and Grill Liquor License

3-10. Numbers, application, issuance and regulation of licenses and licensees.

(a) The qualifications, restrictions, limitations, and numbers of licenses and permits shall all be governed by Title 12 of the Wyoming Statutes, as amended, except as provided otherwise in this article.

(b) All applications for a license, permit, renewal or transfer shall be made to the Governing Body and shall be made upon the appropriate form prepared by the Wyoming Attorney General and furnished to the City of Cody. All applications shall be filed in the office of the Cody City Clerk.

(c) The approval of any application for the issuance of any license or permit or the renewal or transfer shall be discretionary with the Governing Body.

3-11. Publication of notice of application for license; grant or denial; renewal preferences; appeals.

When an application for a liquor license is made to the City Clerk as is required by Wyoming Statutes the procedures as to publication of notice, the granting or denial of such license, renewal preferences and the right of appeal shall all be in accordance with Title 12 of the Wyoming State Statutes.

3-12. License contents, signatures and display.

Licenses as issued under this article shall be in the form and content as prepared and furnished by the state. Each license issued by the City shall be signed by the Mayor and attested by the City Clerk. Each license shall show the name of the licensee; a description of the place in which alcoholic or malt beverages shall be sold; the date of issuance; the amount of the fee, and that the same has been paid. Each licensee shall display his license in a conspicuous place in the licensed room or place of business.

3-13. Term, transfer and sale.

(a) Unless otherwise specified, a license if good for one year unless sooner revoked or transferred. Except as provided herein, no license shall be transferred or sold, nor shall it be used for any place not described in the license at the time of issuance.

(b) After public hearing and with the approval of the licensing authority, a license or permit may be transferred to or renewed on different premises on the same basis as the original application. An additional license fee of not more than one hundred dollars ($100.00) is required for the remaining term. A transferred license or permit shall expire on the same date as the original license or permit.

(c) A licensee, or the executor or administrator of the estate of a deceased licensee, may assign and transfer the license or permit by a sale made in good faith. The assignment and transfer shall first have the approval of the licensing authority, which consideration shall be based in part upon a public hearing and an application filed under oath by the assignee or transferee showing the person or entity to be qualified to hold a license or permit under Wyoming law. The approval of the transfer shall not be given by the licensing authority if proceedings, including an action to collect delinquent sales tax payments pursuant to Wyoming Statute 12-2-306, are pending to suspend, revoke or otherwise penalize the original license or permit holder. A transfer of a license or permit shall require the payment of an additional license fee to the

appropriate licensing authority of not more than one hundred dollars ($100.00) for the transfer, and upon assignment the assignee may exercise the privilege of continuing the business authorized by the license or permit.

3-14 License fees.

(a) Every applicant issued a retail liquor license by the provisions of this article shall pay annually in advance for a license hereunder, the sum of one thousand dollars ($1,000.00). The fee for a second dispensing room, as defined by Chapter 12 of the Wyoming State Statutes, is six hundred sixty-six dollars and sixty-seven cents ($666.67).

(b) Every applicant issued a limited retail liquor license by the provisions of this article shall pay annually in advance for a license hereunder, the sum of four hundred dollars ($400.00). The fee for a second dispensing room, as defined by Chapter 12 of the Wyoming State Statutes, is two hundred sixty-six dollars and sixty-seven cents ($266.67).

(c) Every applicant issued a resort liquor license by the provisions of this article shall pay annually in advance for a license hereunder, the sum of one thousand dollars ($1,000.00).

(d) Every applicant issued a restaurant liquor license by the provisions of this article shall pay annually in advance for a license hereunder, the sum of seven hundred fifty dollars ($750.00).

(e) Every applicant issued twenty-four hour malt beverage permit by the provisions of this article shall pay in advance, the sum of ten dollars ($10.00).

(f) Every applicant issued a special malt beverage permit for a public auditorium, civic center or events center by the provisions of this article shall pay annually in advance the sum of one thousand five hundred dollars ($1,500.00).

(g) Every applicant issued a twenty-four hour catering permit by the provisions of this article shall pay in advance, the sum of fifty dollars ($50.00).

(h) Every applicant who is issued a twenty-four hour dispensing room permit shall pay a fee of fifty dollars ($50) for a twenty-four hour period of time.

(i) Every applicant who is issued a permit for a microbrewery by the provisions of this article shall pay annually in advance a fee of four hundred dollars ($400.00).

(j) Any applicant who is issued a permit for a satellite winery permit by the provisions of this article shall pay annually in advance the sum of one hundred dollars ($100.00).

(k) Any applicant who is issued a bar and grill license by the provisions of this article shall pay annually in advance for a license hereunder, the sum of one thousand five hundred dollars ($1,500.00).

3-15. Suspension or revocation of license.

The violation of any provision of this chapter by any licensee shall be sufficient cause for the suspension and in the case of gross violation, the revocation of the license of the licensee.

Revocation of any liquor license or permit issued under this chapter by reason that such license was unlawfully granted or that the place of sale in which alcoholic or malt liquors are sold under such license is not a proper place for sale of the same, or that the licensee or permittee is permitting activities in such place of sale which are detrimental to the welfare, health, peace, morals and safety of the people of the city, or that the licensee or permittee has violated any of the provisions of this chapter or like ordinances, may be made by the Governing Body, without notice to the licensee, or a hearing may first be held by the Governing Body, and if, upon such hearing, it shall appear that the license or permit of the licensee should be revoked, the revocation shall then be made for cause. Any violation of any provisions of this chapter or any falsification of any statement in the application shall be grounds for revocation. No portion of the license fee paid into the city treasury shall be returned upon revocation. In addition to the method herein provided for the revocation of any liquor license or permit, an action to revoke any such liquor license or permit may be brought by the proper officials and offices, as provided by the provisions of the laws of the state.

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CHAPTER 4

ANIMALS

INTRODUCTION

In general this Chapter generally deals with the enforcement of regulating dogs, cats, livestock, wild or exotic animals within the corporate limits of the City of Cody and preventing, abating and removing nuisances or annoyances and offensive conditions created by the keeping or maintaining of such animals as authorized by Wyoming State Statutes 15-1-103. For purposes of this chapter the word animal shall include "every dumb living creature" as defined by Wyoming State Statutes.

In General

4-1. Definitions.
4-2. Impounding generally.
4-3. Financial bonding requirements.
4-4. Notice to owner, redemption.
4-5. Disposition of unclaimed or infected animal.
4-6. Animals at large.
4-7. Breaking open, etc., animal shelter.
4-8. Animal waste.
4-9. Wild or hybrid animals prohibited.
4-10. Vicious animals.
4-11. Animal cruelty.
4-12. Animal fighting.
4-13. Noisy animals.
4-14. Carcasses to be removed.
4-15. Regulations concerning female dogs and cats in heat.
4-16. Abandonment of animals.
4-17. Interference.
4-18. Duties of a Community Service Officer.
4-19. Rabies control.
4-20. Rabies Emergency Measures.
4-21. Penalty for violation of chapter.

4-1. Definitions: As used in this chapter:

Animal: Every living dumb creature including dogs, cats, livestock, wild or exotic animals.

Animal park or exercise area: Any area of city property specifically designated by the Governing Body as property upon which dogs and cats may run freely while under the command and supervision of their owners or a member of the owner's immediate family or other authorized person.

Bit or bitten: Means that the skin has been penetrated by an animal's teeth, or saliva from the animal has come in contact with an open wound or mucous membrane.

Dangerous animal: An animal or animals that constitute a physical threat to human beings or other animals. Proof of the fact that an animal has bitten or attacked a person or other animal at any place where that person or animal is legally entitled to be, is evidence that an animal is dangerous.

Leash: A length of webbing, cord, chain or similar restraint, which is securely attached to the animal's collar or harness.

Livestock: Animals kept or raised for use and/or profit.

Owner: Any person or persons, firm, association or corporation having the care of an animal or caged bird or permitting such to habitually be or remain on, or be lodged or fed within his or her house, yard or premises.

Permit: A permit for wild animals, bees or exotic pets.

Vaccinate: The inoculation of an animal with anti-rabies vaccine which shall be administered by any licensed veterinarian, the cost of such vaccination to be paid by the owner of the animal.

Vicious Animal: Any animal that has killed or inflicted serious injury to a person or domesticated animal, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or which has continued to exhibit dangerous behavior that resulted in a previous finding of dangerous animal by a court; provided the owner has been given notice of that finding. This also means any animal that, in the absence of intentional provocation, is involved with a sustained attack upon a person, not allowing the victim any means of escape, regardless of the injury or defensive action required.

Wild Animal: Any animal that is not commonly domesticated, cultivated or tamed when occurring, growing or living in it's natural state.

4-2. Authorized Impoundment/Tranquilizing/Destruction

If any animal is found to be in violation of this chapter, a Police Officer or any other officer or employee of the city, as designated by the Chief of Police or City Administrator, may capture and cause the same to be confined in a secure pen, sheltering facility or other place provided for that purpose. No animal so captured and confined shall be released until the owner or person entitled to the possession thereof has paid to the City of Cody a fee for taking up and receiving each such animal

together with a fee per day for each and every day such animal was kept so impounded by the city. If any animal is presenting an immediate danger, it is made the duty of the Police Officer or any other employee of the City to dispose of or tranquilize the animal.

In the enforcement of any provisions of this chapter, any Police Officer of the city, or the Community Service Officer, is authorized to enter upon the private property of any person and take possession of an animal when in fresh pursuit of such animal at the time the animal goes upon private property. Such Police Officer or Community Service Officer is authorized to enter upon the private property of any owner of any animal under such circumstances in order to ascertain and secure compliance with the terms of this chapter.

4-3. Financial bonding requirements for costs of holding impounded animals.

Any owner or custodian of an animal that has been impounded because of alleged neglect or abuse, or because of investigation of charges of cruelty to animals or animal fighting, may prevent transfer of ownership of the animal by a sheltering facility by posting a bond with the court in an amount sufficient to provide for the animal's care and keeping for at least 30 days, including the day on which the animal was taken into custody. Such bond will be filed with the court within 10 days after the animal is impounded. At the end of 30 days, if the owner or custodian desires to prevent a disposition decision about of the animal by the sheltering facility, the owner or custodian shall post a new bond with the court within 10 days after the prior bond's expiration. However, the court may order the immediate disposition of the animal by euthanasia if, in the opinion of a veterinarian, the animal is experiencing extreme pain or suffering. At the end of the time for which expenses are covered by the bond, the sheltering facility may determine disposition of the animal unless there is a court order prohibiting such disposition. The owner or custodian shall be liable for the cost of the care, keeping, and/or disposal of the animal.

4-4. Notice to owner, redemption.

Not later than two days after the impounding of any dog or cat, the owner shall be notified or, if the owner of the animal is unknown, written notice shall be posted for six (6) days at the Park County Law Enforcement Center describing the animal and the place and time of taking. The owner of any animal so impounded may reclaim the animal upon payment of all fees and costs incurred by the city and sheltering facility for impounding and processing the animal.

4-5. Disposition of unclaimed or infected dogs and cats.

(a) It shall be the duty of the Police Officer or Community Service Officer to keep all unclaimed dogs and cats so impounded for a period of six (6) days. If at the expiration of the six days the animal has not been redeemed, it shall become the property of the city subject to any contract existing between the city and any sheltering facility. As property of the city, an animal may be maintained at the sheltering facility

as long as space is available, adopted by new owners, or, if necessary, humanely euthanized by proper authorities, at the discretion of the evaluation committee, Chief of Police or the Community Service Officer.

(b) Any animal not carrying identification by which the owner of the animal could be ascertained, which animal appears to be suffering from rabies, or other infectious or dangerous disease, or suffering from grievous injury, shall not be impounded but will be taken immediately to a qualified veterinarian at the expense of the owner if that person can be later identified. If it is determined by the veterinarian that such animal is suffering from rabies or other infectious and dangerous disease, or suffering from grievous injury, then the animal may be humanely euthanized without further notice. The owner of any animal so disposed, if known, will be responsible for the costs of disposal.

(c) At the discretion of the Chief of Police or Community Service Officer, the carcass of such animal will not be returned to its owner, but will be kept for evidence, autopsy or otherwise disposed of.

(d) Care and or disposal of an animal by any method specified in this section does not relieve the owner thereof of liability for any violations and any accrued charges.

(e) Animals other than dogs and cats, at the discretion of the Chief of Police or Community Service Officer, an animal that is not otherwise placed for adoption or returned to the owner may be sold upon giving at least eight (8) days previous notice to whom it may concern, of the time and place of the sale, by two consecutive publications thereof in a newspaper of general circulation, published in the city, which notice shall describe the animals by brand or otherwise, with reasonable accuracy; provided, however, that any such animal may be redeemed by the owner, at any time before the sale by payment of the fees and charges.

Sec. 4-6. Animals at large.

Any animal off the premises of the owner, and not under the control of and on leash held by the owner or a member of the owner's immediate family or other authorized person, or temporarily tethered by leash in an area open to the public so as not to cause an obstruction in any fashion, will be considered in violation of this ordinance except as follows:

(a) Obedience trained animals participating in obedience training, field trials, shows or other similar competitions.

(b) Authorized animals that are under the control of voice commands, and are obedient to those commands that do not come into physical contact with other persons or animals and are being trained for search and rescue, law enforcement, or assistance animals with permission from the Chief of Police.

(c) Venomous animals or other animals that may cause injury to others must be kept in a secure container when being transported in or through a public place.

Any such found "at large" animal in the city may be impounded by the Community Service Officer or an authorized person of the city. Owners of any animal anywhere within the city limits shall be liable for all damage done to private or public property by such animal whether by accident or otherwise.

4-7. Breaking open, etc., Sheltering Facility.

No person shall, directly or indirectly, break open or assist in breaking open, any pen or enclosure, with the intention of releasing any animal confined therein pursuant to the provisions of this article.

4-8. Animal waste.

The owner or custodian of every animal shall immediately retrieve and remove all feces deposited by his or her animal while off the owner's property. This section shall not apply to parades permitted by the City of Cody or animal-drawn carriages or vehicles licensed or permitted by the City of Cody to operate within the city boundaries unless specifically directed by the Governing Body.

Sec. 4-9. Wild animals prohibited - exceptions.

Except as otherwise provided, it is unlawful for any person to own or possess any wild animal or exotic animal within the corporate city limits of Cody, Wyoming, except that this section shall not apply to the keeping of small cage-birds, aquatic, amphibian or nonpoisonous reptilian animals, or such small rodents as hamsters, guinea pigs or gerbils solely as pets. It also shall not apply to any zoological garden, theatrical exhibit or circus, nor to any legally incorporated college, university or school, nor to any private or government research laboratories.

The city may authorize the possession of specific wild or exotic animals to be kept within the corporate limits, subject to the following provisions:

(a) A wild animal request form, provided by the Cody Police Department, must be completed and submitted to the Chief of Police or his/her designee. A separate form shall be submitted for each species.

(b) At the time a wild animal request form is submitted, the applicant must attach a copy of the importation/possession permit issued by the Wyoming Game and Fish Department for the subject animal(s).

(c) Within 30 days following submission of the completed wild or exotic animal request form to the Chief of Police, he/she will issue a written determination approving or denying the request. The Chief of Police may issue an approval subject to reasonable conditions or requirements. The written determination shall be mailed to the applicant at the address listed on the request form.

(d) Appeal of the Chief of Police's determination shall be made to the Governing Body. The appellant must provide written notice of the appeal to the Governing Body and the Chief of Police within 10 days after the Chief of Police's issues the written determination. The notice must include the reason(s) for the appeal, and any information relevant for the Governing Body to consider in a review of the Chief of Police's determination. The Chief of Police shall provide a written response to the Governing Body within 10 days after receipt of the notice of appeal. The Governing Body may either set the appeal to be heard at the next regularly scheduled meeting or it may decide the appeal on the basis of the written information provided by the appellant and the Chief of Police. The Governing Body shall issue a written determination to the appellant and Chief within 60 days of receipt of the notice of appeal. The written determination of the Governing Body shall be a final decision.

4-10. Dangerous / Vicious Animals.

It is unlawful for any person owning or having possession, custody, charge, or control of any dog or other animal known by such person to be dangerous, to cause or permit that animal to run loose about the persons property in a manner endangering any person lawfully entering such property, or cause or permit the animal to be unrestrained upon or about any public street, sidewalk, park, schoolyard, or property of other persons.

No vicious animal or animal sick with or liable to communicate rabies or other contagious or infectious diseases shall be allowed in the city limits, except if such animal is under confinement at a veterinarian clinic for observation and treatment by a veterinarian. If any vicious animal or sick animal as herein above set forth shall be found within the city limits and cannot be safely taken up and impounded, such animal may be humanely euthanized by any Police Officer or other authorized person.

A Police Officer or Community Service Officer may issue or deliver a citation or complaint and summons and shall require the animal to be confined until such time as evidence is heard and a verdict rendered.

If the Police Officer or Community Service Officer believes the owner or custodian can confine the animal in a manner that protects the public safety, the owner or custodian may confine the animal until such time as evidence shall be heard and a verdict rendered. During this confinement, if a valid reason is found to exist, the court, through its contempt powers, may compel the owner or custodian to produce the animal at any time. No animal shall be found to be dangerous or vicious if the threat, injury or damage was sustained by a person who was committing, at the time, a crime upon the premises occupied by the animal's owner or custodian or was provoking, tormenting, or physically abusing the animal, or who can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties at the time of the acts complained of shall

be found to be a dangerous or vicious dog. Any animal determined to be vicious will be euthanized.

4-11. Animal cruelty.

No person shall cause by action, omission of action or neglect the willful and malicious infliction of pain, suffering or death of an animal by permitting or allowing such to continue when there is a reasonable remedy or relief. No owner or custodian shall abandon or fail to provide an animal with sufficient, good and wholesome food and water, proper shelter, protection from the weather and veterinary care when needed to prevent suffering, and humane care and treatment. Proper shelter means natural or artificial shelter appropriate to the local climatic conditions for the species concerned, as necessary for the health of the animal.

If a shelter with a chain is used as a primary enclosure for an animal kept outdoors, the chain must be placed or attached to avoid entanglement with chains of other animals or any other object. A chain should be at least three times the length of the animal, measured from the tip of its nose to the base of its tail, and must allow the animal convenient and safe access to shelter and water.

No person shall leave an animal in an unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which adversely affect its health or welfare. In the event the animal's life is found to be in immediate danger, any Police Officer or Community Service Officer may take whatever measures necessary to remove the animal from the vehicle and seek veterinary care.

No person shall willfully kill, maim, inhumanely trap, poison, or disfigure any domestic or wild animal except pests of public health importance within the city limits.

4-12. Animal fighting.

No person shall cause, sponsor, arrange, hold, or encourage a fight between animals for the purpose of monetary gain or entertainment. For the purposes of this section, a person encourages a fight between animals if he/she is knowingly present at, or wagers on such a fight; owns, trains, transports, possesses, breeds, sells, transfers; or equips an animal with the intent that such animal will be engaged in such a fight; or allows any animal used for such a fight to be kept, boarded, housed, or trained on or transported in, any property owned or controlled by him or her; or uses any means of communication for the purpose of promoting such a fight; or possesses any animal used for such a fight or any device intended to enhance the animal's fighting ability.

4-13. Noisy animals.

(a) No person shall own or keep any animal which makes continual or repeated barking, screeching, yowling, howling, yelping, neighing, braying, mooing, crowing, quacking, pawing, stamping or other noises in excessive, continuous or untimely

fashion that otherwise disturbs the peace of others.

(b) Any such noisy animal may be impounded at the discretion of the Community Service Officer or a city Police Officer to prevent further peace disturbance and said Officer can go upon the property or premises where said animal is located to take possession or control of the offending animal.

4.14 Carcasses to be removed from city.

It shall be the duty of every owner of any animal which shall in any manner come to its death within the city, to immediately remove the body or carcass of the animal and dispose of it in a legal manner.

4-15. Regulations concerning female dogs and cats in heat.

The owner of any female dog or cat shall keep such animal, when in heat, under confinement, in such manner as not to attract male dogs and cats. If such female animal in heat shall be unsuccessfully confined and in fact does attract male animals to the premises where such female animal in heat is kept or confined, the female animal shall be defined and declared to be a nuisance. Whenever any such nuisance shall come under the notice of the Community Service Officer or a Police Officer of the city, it shall be the Officer's duty to immediately abate such nuisance, if practical, by securing and confining such animal or causing the owner to do so.

4-16. Abandonment of animals.

No person shall dump, abandon or in any manner release any animal within the City of Cody.

4-17. Interference.

No person shall interfere with, hinder, or molest any Police Officer, Community Service Officer, or any agent thereof, in the performance of their duty as herein provided.

4-18. Duties of a Community Service Officer.

The Community Service Officer or designee of the Chief of Police is charged with the duty of impounding all animals in violation of the provisions of this chapter and is authorized to carry out these provision as authorized by W.S. 15-1-103.

4-19. Rabies control.

(a) No person shall harbor, keep or possess a fox, coyote, wolf, raccoon or skunk within the City of Cody.

(b) Every owner or harborer of any cat, dog or ferret within the city shall cause such animal to have a current vaccination against rabies for the time period a vaccination is valid and shall cause to be securely fastened about the neck at all times a collar or harness to which shall be securely fastened a rabies tag.

(c) No owner or harborer of any cat, dog or ferret shall permit or allow said animal to wear or to be displayed on any such animal a tag issued for another animal which received a rabies vaccination.

4-20. Rabies Emergency Measures.

(a) In the event of a rabies emergency, the City of Cody will follow the most current version of the *Compendium of Animal Rabies Prevention and Control*, as issued by the National Association of State Public Health Veterinarians, Inc. (NASPHV)* to prevent rabies from occurring in the community and to respond if an emergency situation exists. The Governing Body, upon recommendation from the Chief of Police or designee, shall determine if an emergency exists and publicly issue criteria for the community to follow based upon the *Compendium*.

(b) In the event of a rabies emergency, any cat, dog or ferret found within the city and not displaying a current rabies vaccination tag and any ferret, fox, coyote, wolf, raccoon or skunk found within the city shall be destroyed immediately by or under the supervision of the Community Service Officer, unless the Chief of Police, a Police Officer or the Community Service Officer determines that such animal shall be held for observation and after such observation, the animal shall be destroyed unless otherwise directed by the Chief of Police.

(c) In addition to the above subsections, in the event of a rabies emergency, any animal that is without a current rabies vaccination that has bitten a person within the City of Cody shall be immediately destroyed under the supervision of the Community Service Officer and the animal's head shall be shipped to the Wyoming State Veterinary Laboratory for rabies testing. All costs and expenses for said destruction, shipping and testing shall be paid by the owner of the animal.

(d) In the event of a rabies emergency all horses and cattle within the City limits shall be vaccinated for rabies and such vaccination shall be kept current until the rabies epidemic is over.

4-21. Penalty for violation of chapter.

Any owner or other person found violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than ten dollars ($10.00) nor more than seven hundred and fifty dollars, ($750.00) to which shall be added court costs up to the maximum allowed by law provided,

* www.nasphv.org

however, in addition to or in lieu of the monetary fine a jail sentence not to exceed six (6) months may be imposed for the violation.

Please Note: Due to repeal of Chapter 5 (re-numbered as Chapter 4 Animals in 2006) and the recodification process begun in 2004, pages 42-48.6 do not exist. Upon completion of the recodification of the entire Cody City Code, all pages will be renumbered appropriately.

Chapter 6

BICYCLES*

§ 6-1. Definition.
§ 6-2. License--Required.
§ 6-3. Same--Issuance; expiration date; privilege conferred.
§ 6-4. License plates, registration card and fee.
§ 6-5. Transfer of ownership.
§ 6-6. Bicycle dealers.
§ 6-7. Bicycles for hire.
§ 6-8. Reflectors.
§ 6-9. Brake and bell.
§ 6-10. Two or more riders.
§ 6-11. Riding on sidewalks.
§ 6-12. Riding on right; riding abreast.
§ 6-13. Laws applicable.
§ 6-14. Racing.
§ 6-15. Parking.
§ 6-16. Revocation of privilege to operate.
§ 6-17. Penalty.
§ 6-18. Skateboards, roller skates and scooters.

* For state law as to bicycles generally, see W.S., 1977, §§ 31-5-701 to 31-5-706.

As to the use of bicycles at the municipal airport, see § 18-16 of this Code. For regulations as to motor vehicles and traffic generally, see ch. 17.

Sec. 6-1. Definition.

For the purposes of this chapter, a "bicycle" is defined as any device propelled by human power upon which one or more persons may ride, having one or more wheels, any of which is twenty inches or more in diameter. (1960 Comp. Ords., § 17-105; Ord. No. 74-6.)

Sec. 6-2. License--Required.*

It shall be unlawful for any person to operate or use a bicycle upon any of the streets, alleys or public highways of the city without first obtaining a license therefor from the police department. (1960 Comp. Ords., § 17-1201.)

* For state law authorizing the city to license and regulate bicycles, see W.S., 1977, § 31-5-110.

As to licensing regulations generally, see ch. 15 of this Code.

Sec. 6-3. Same--Issuance; expiration date; privilege conferred.

The police department is hereby authorized and directed to issue, upon written application, bicycle licenses. Such licenses shall be in such a form that they will run for two-year increments and shall expire on the thirty-first day of December of the year(s) for which it was issued. Such licenses when issued shall entitle the licensee to operate such bicycle for which the license has been issued upon the streets, alleys and public highways, exclusive of the sidewalks, in the city excepting as hereinafter provided. (1960 Comp. Ords., § 17-1202; Ord. No. 80-11, § 1.)

Sec. 6-4. License plates, registration card and fee.

The city shall issue bicycle license plates, metallic or otherwise, together with registration cards therefor. Such license plates and registration cards are to have numbers stamped thereon in numerical order, beginning with the number one, including the year(s) for which the same is issued, and the letters CODY stamped thereon. Such license plates shall be suitable for and shall be attached upon the frame of bicycles at a place designated by the police department and such license and a corresponding registration card shall be issued to the licensee upon payment of the license fee established and set by the city council. Such license plates shall remain attached during the existence of such license. The police department and office of the city treasurer shall also keep a record of the date of issue, numbers of such license and to whom issued. (1960 Comp. Ords., § 17-1203; Ord. No. 80-11, § 2.)

Sec. 6-5. Transfer of ownership.

It shall be the duty of every person who sells or transfers ownership of any bicycle to report such sale or transfer by returning to the police department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom the bicycle was sold or transferred. Such report shall be made within five days of the date of the sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer or registration thereof within five days of such sale or transfer. (1960 Comp. Ords., § 17-1207.)

Sec. 6-6. Bicycle dealers.

All persons engaged in the business of buying secondhand bicycles are hereby required to make a report to the police department of the purchase, giving the name, address and person from whom each bicycle was purchased, the frame number thereof, and the number of the license plate found thereon, if any. All persons engaged in the business of selling new or secondhand bicycles are hereby required to make a report to the police department giving a list of all sales made, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and the frame number thereof, and the number of the license plate attached thereto, if any. Such reports shall be made within twenty-four hours from the date of the sale. (1960 Comp. Ords., § 17-1206.)

Sec. 6-7. Bicycles for hire.

All persons who rent, hire or loan bicycles shall first obtain license plates to be used on such bicycles by paying therefor the regular fee as required by section 6-4. (1960 Comp. Ords., § 17-1208.)

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Sec. 6-8. Reflectors.

No person shall ride or operate any bicycle upon any street, alley or public place within the corporate limits of the city during the nighttime unless such bicycle is equipped with lamps or reflectors as required by Wyoming Statutes, 1957, section 31-169. (1960 Comp. Ords., § 17-1204.)

Sec. 6-9. Brake and bell.

Every bicycle used in the city shall be equipped with a brake and bell as required by Wyoming Statutes, 1957, section 31-169. (1960 Comp. Ords., § 17-1205.)

Sec. 6-10. Two or more riders.*

No person shall operate or ride on any bicycle upon the streets, alleys or public highways in the city with two or more persons upon the same bicycle, provided, however, that this restriction shall not apply to tandem bicycles or other bicycles equipped for two or more riders. (1960 Comp. Ords., § 17-1209.)

* For similar state law, see W.S., 1957, § 31-166.

Sec. 6-11. Riding on sidewalks.

No person shall ride or operate any bicycle on any sidewalk in the city except bicycles used for delivery of papers or merchandise and then only in the residential section of the city when the sidewalk is not being used by pedestrians. (1960 Comp. Ords., § 17-1211.)

Sec. 6-12. Riding on right; riding abreast.*

Every person riding or operating a bicycle on any street, alley or public place in the city shall ride as near to the right side of the roadway as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction.

It shall be unlawful to travel abreast on bicycles on any street, alley or public place in the city, provided that not more than two operators of two wheeled bicycles may travel abreast in residential areas of the city. (1960 Comp. Ords., § 17-1212; Ord. No. 74-6.)

* For similar state law, see W.S., 1957, § 31-167.

Sec. 6-13. Laws applicable.

Every person riding or operating a bicycle on any street, alley or public place in the city shall be subject to all provisions of chapter 17 and of the laws of the state applicable to the drivers of vehicles, except the provisions thereof that by their very nature can have no application. (1960 Comp. Ords., § 17-12 13.)

Sec. 6-14. Racing.

It shall be unlawful for any person to run, or engage, or cause to run, or to be engaged in any bicycle race on any street, alley or public place within the corporate limits of the city, except under permit from and supervision of the chief of police. (1960 Comp. Ords., § 17-1214.)

Sec. 6-15. Parking.*

No operator of a bicycle shall leave his bicycle standing in such a manner that shall hinder or impede pedestrians or vehicular traffic upon the sidewalks or paths or upon the streets or alleys within the city, and shall take proper care to see that his bicycle is so placed to avoid annoyance and danger of accident during his absence from it, (1960 Comp. Ords., § 171215.)

* For regulations generally as to stopping, standing and parking, see § 17-43 et seq. of this Code.

Sec. 6-16. Revocation of privilege to operate.

Any person upon being convicted of two or more violations of this chapter shall, in the discretion of the police justice, in addition to other penalties hereinafter provided, be denied the right to operate or ride a bicycle in the city. (1960 Comp, Ords., § 17-1216.)

Sec. 6-17. Penalty.

Any person who shall be found guilty of the violation of any of the provisions of this chapter shall be punished as provided in section § 1-11. In addition to such punishment, the police justice may, either in lieu of or in addition thereof, prohibit the operation upon the streets, alleys and public places of the city for a period not to exceed thirty days, of the bicycle so used in violation of this chapter. In which event the bicycle so used in such violation shall be impounded with the chief of police and retained by him for the period that the operation thereof is prohibited and the owner’s card or certificate shall be held for the period during which the operation o1 the bicycle is prohibited. (1960 Comp. Ords., § 17-1217.)

Sec. 6-18. Skateboards, roller skates and scooters.

(a) No person shall use, ride or operate any skateboard, roller skates or scooter on any sidewalk on Sheridan Avenue between 9th Street and 17th Street, or any street within the city limits.

(b) Skateboards, roller skates and scooters operated and ridden upon the sidewalks, where not prohibited, shall be single-file only. Under all circumstances, the rider shall yield the right-of-way to pedestrians using the sidewalk, and due and proper care shall at all times be exercised by the rider for pedestrians. When approaching a pedestrian on the sidewalk, the speed of the skateboard, roller skates or scooter shall be reduced to a speed which is no greater than necessary to continue the operation the skateboard, roller skates or scooter without the rider dismounting and such speed shall not be increased until the pedestrian has been passed.

(c) Any person who shall be found guilty of a violation of this section shall be punished as provided in section 1-11 of the Cody City Code. In addition to such punishment, the municipal court justice may, either in lieu of or in addition thereto, prohibit the use, operation or riding of a skateboard, roller skates or scooter for a period not to exceed thirty days, and any such skateboard, roller skates or scooter so used in the violation of this section shall be impounded with the chief of police and retained by him for the period that the use and operation thereof is prohibited. (Ord. No. 89-14, § 1.)

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Chapter 7

BUILDINGS

Article I In General

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7-2. Building Contractors' Examination Board--Established; composition; qualifications of members; meetings; appointment and terms of office.
7-3. Same-Authority to establish certain standards and procedures, etc.

Article II The Uniform and International Codes

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7-5. Downtown architectural district.
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7-9. Required; exceptions; licensing categories.
7-10. Application; examination fee; application for re-examination.
7-11. Term of license; initial and renewal fees; expired license not to be renewed.
7-12. Grounds and procedure for suspension or revocation of license; effects thereof.
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Article VI Flood Damage Prevention

7-17. Definitions.
7-18. General Provisions.
7-19. Administration.
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Article I In General

Sec. 7-1. Building Official generally.

There is hereby created the office of Building Official, also known as the Building Official, who shall be an employee of the City, to be hired by the City Administrator. The Building Official is hereby authorized and empowered to enforce all ordinances relating to the construction, equipment, management, conditions and zoning of all property within the city.

Sec. 7-2. Building Contractors' Examination Board--Established; composition; appointment and qualifications of members; meetings; appointment and terms of office.

There is hereby established a Contractor's Examination Board, also to act as the board of appeals, and referred to herein as "the Board." The Board shall consist of nine members. One member shall be an at-large member who is a resident of the city; one member shall be an architect or civil engineer; one member shall be a city Councilmember; two members shall be licensed building contractors with at least five years experience in such contractor work; two members shall be licensed plumbing contractors with at least five years experience in such plumbing work; and two members shall be licensed electrical contractors with at least five years experience in such electrical work. The members of the board shall each be appointed by the Mayor with the approval of the City Council, for a three-year term. Terms of members shall begin on January 1 and shall be staggered, with three members reaching the end of their term at the end of each calendar year. In January following passage of this ordinance, three members will be appointed for one year, three members will be appointed for two years and three members will be appointed for three years. Subsequent appointments shall be for three years each unless to fill an unexpired term. At the discretion of the Governing Body, members may be appointed for more than one term. The board shall meet at such intervals as necessary for the proper performance of its duties, but in any case, shall meet not less than twice each year.

Sec. 7-3. Authority to establish certain standards and procedures, etc.

The Board shall establish standards and procedures for the application, qualifications, examination and licensing of building contractors and shall advise the Administrative Services Director to issue an appropriate license to each person who meets the qualifications therefore and shall keep an official record of all its transactions.

Article II The Uniform and International Codes

Sec. 7-4. Adoption by reference; copies to be kept on file.

The International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code (Chapters 1-10), National Electrical Code, Uniform Sign Code, and the Uniform Code for the Abatement of Dangerous Buildings, including all changes, amendments, replacements or supplements thereto, as adopted and published by the International Conference of Building Officials and International Code Council (ICC) to be referenced with International Codes, as modified herein, are made a part hereof by this reference, the same as though incorporated herein at length. Subsequent editions, changes, amendments, replacements and supplements of these codes shall become effective sixty days after being received and designated as official copies by the city. All fees for the issuance of permits shall be from the fee schedules approved and adopted by the Governing Body.

One copy of each specific code shall be kept on file by the city, and shall be marked with the words "Property of the City of Cody, Official Copy."

Sec. 7-5. Downtown architectural district.

(a) There is established a downtown architectural district. The Planning and Zoning Board shall review all applications and plans for building and sign permits insofar as they pertain to the exterior of commercial buildings in the downtown district described as follows:

> Block 22, Lots 9-16, Block 23 Lots 6-12, Block 24 Lots 11-17 and 8-22, Block 4 Lots 9-24, Block 5 Lots 9-24, Block 6 Lots 9-24, Blocks 7, 8, 9, 50, 51, 52, 53, 54, 55, 56, 29, 10, 11, 12, Block 13 Lots 1--16, Block 14 Lots l--l6, Block 15 Lots 1-16, Block 28 Lots 1-8, Block 27 Lots 1--8, Block 26 Lots 1--8 all of Original Town Subdivision, and a tract of land bounded on the north by the northerly boundary line of NW1/4 SW1/4 of Section 32, now Tract 79 Resurvey, T. 53 N., R. 101 W., 6th P.M., on the west by the centerline of Eighth Street on the south by the south line of Beck Avenue, and on the east by the center line of Ninth Street, and a tract of land bounded on the east by Tenth Street, on the north by Park Lane, on the west by Ninth Street and on the south by Rumsey Avenue, and a tract of land in the SW1/4 of the NW1/4 of Section 32, Township 53 North, Range 101 West of the 6th P.M. more particularly described as follows: beginning at corner 1/82

proceeding in a near northerly direction to a projection of the South line of Rumsey Avenue thence proceeding in a near easterly direction to the west line of Ninth Street and Sheridan Avenue thence to the point of beginning all in Cody, Park County, Wyoming.

(b) The Planning and Zoning Board shall examine and evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings within the downtown district as herein described and shall make recommendations and suggestions to the applicants, property owners or occupants.

Sec. 7-6. Meeting with Planning and Zoning Board required before building permit issued.

Before the issuance of any permit under the International Building Code for commercial buildings situated within the City, the applicant, property owner and occupant shall meet with the Planning and Zoning Board to review the application and plans insofar as they pertain to the exterior of a commercial building and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the Planning and Zoning Board members in attendance at said meeting.

Article III House Numbers

Sec. 7-7. Lawful numbers required.

Every dwelling and business house in the city now or hereafter erected, shall be numbered in the manner to be determined by the building official; and it shall be unlawful for any person to erect or maintain any house numbers which do not conform with the provisions of this article.

Sec. 7-8. Notice to comply with article.

The building official shall notify the owner or agent of any building or premises which are not numbered in compliance herewith, to affix or inscribe the proper number in plain and legible figures, on the front of such building or premises. Such notice shall be served personally on such owner or agent, by leaving the same at the residence or premises or place of business of such owner or agent or in case such owner or agent cannot be found, such notice shall be served on the occupant of such building or premises. It shall be the duty of such owner, agent or occupant to comply with such notice, within ten days from date thereof.

Article IV Contractor's License

Sec. 7-9. Required; exceptions; licensing categories.

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, do electrical, plumbing or mechanical work in or on any building or structure regulated by the city unless licensed in the particular contracting category under the provisions of this article.

An owner may be granted permits to construct, enlarge, alter, repair, move, improve, remove, convert, demolish, do electrical, plumbing or mechanical work in, on or for a single family dwelling with a private garage and private accessory buildings all on the same premises, provided that such work is to be performed by the owner. If such work is to be performed by anyone other than the owner of the property, the person performing the work must be licensed in the particular contracting category under the provisions of this article. No owner shall be granted more than two permits in any five years for the construction of a single family dwelling. Where an owner is granted such a permit, all elements shall be inspected and shall comply fully with the current codes as herein adopted.

Decorators, painters, carpet, flooring and tile layers, wallpaperers, drapers, sign painters and those involved in nonstructural maintenance work are specifically excluded from the provisions of this section.

Class A: A Class A contractor's license shall be required of persons engaged in the construction contracting business.

Class B Limited: A Class B Limited contractor's license shall be required of persons engaged in construction contracting work of any kind where not working directly as a subcontractor under a licensed general contractor. Permits shall be obtained from the city for work regulated by the Uniform Codes adopted in this chapter.

"Construction contracting" as used herein shall include the erection construction, assembling, enlarging, structurally altering, moving, removing, demolishing and doing electrical, plumbing or mechanical work in or on any building or structure regulated by the city.

Sec. 7- 10. Application; application fee; application for re-examination.

Class A licensee. Any person desiring to be licensed as a Class A contractor shall make written application to the Contractors' Examination Board. The application fee shall be as established by the building official and approved by the governing body. Such fee shall accompany the application and is non-returnable. A written examination shall be required.

Class B Limited licensee. Any person desiring to be licensed as a Class B Limited licensee shall make written application to the Contractors' Examination Board. The application fee shall be as established by the building official and approved by the governing body. Such fee shall accompany the application and is non-returnable.

Any such person shall present to the board proof of their qualifications.

The board may require any person to appear before the board. Any person who fails to pass the prerequisite qualification may make reapplication after expiration of a thirty day period and upon payment of required application fee.

Appeals to any action of the board shall be submitted to the Governing Body.

Sec. 7-11. Term of license; initial and renewal fees; expired license not to be renewed.

All licenses required herein and issued by the City shall expire on December 31 of the year in which they are issued. The initial license fee shall be one hundred dollars ($100.00) for all Class A licenses and one hundred dollars ($100.00) for Class B Limited licenses. Every licensee in good standing may have their license renewed upon payment of a renewal fee of one hundred dollars ($100.00) without further proof of qualifications. Licenses which have been expired for more than thirty days shall not be renewed. In such instances, the licensee may make application to the board, pay the application fee, and upon approval of the board, may be issued a new license upon payment of the required one hundred fifty dollar ($150.00) fee. The board may, at its sole discretion, require the licensee to submit to re-examination before granting its approval for a new license to be issued.

Sec. 7-12. Grounds and procedure for suspension or revocation of license; effects thereof.

(a) Grounds:

The Contractors' Examination Board may suspend or revoke any license issued under the provisions of this article when the licensee or an employee of the licensee commits one or more of the following acts or omissions:

(1) Obtaining the license through nondisclosure, misstatement or misrepresentation of a material fact;

(2) Failure to comply with any of the requirements of this article;

(3) Knowingly combining or conspiring with any unlicensed person to evade the provisions of this article, by permitting one's license to be used by such person;

(4) Knowingly acting as agent, partner, associate or in any other capacity, with any unlicensed person, to evade the provisions of the article;

(5) Knowingly violating any provisions of all city ordinances.

(b) Procedure:

When any of the acts or omissions as enumerated above are committed by a licensee or his employees and the Contractors' Examination Board deems that such license shall be suspended or revoked, the procedure shall be as follows: the Contractors' Examination Board shall give notice to licensee by mail of the facts or conduct which warrants the revocation or suspension of the license, and that such revocation or suspension will be effective immediately if a request for a hearing on such matter is not received as provided in subsection (b)(1) of this section:

(1) Upon receipt of the notice, the licensee may request a hearing before the board. Such request shall be in writing to the board within seven days of receipt of notice. Failure by the licensee to request the hearing shall be deemed a waiver of any right to a hearing on the matter and the order of suspension or revocation shall become final;

(2) At such hearing, the licensee shall be given an opportunity to show compliance with all lawful requirements for the retention of the license. The licensee shall be given the opportunity to present testimony, oral and/or written, and shall have the right of cross examination. All testimony shall be under oath. The board shall have the power to administer oaths, issue subpoenas and compel the attendance of witnesses. The decision of the board shall be based upon the evidence produced at the hearing and made a part of the record thereof. The hearing shall be conducted in compliance with the procedures promulgated in accordance with the Wyoming Administrative Procedures Act.

(c) Effects:

(1) A person whose license has been revoked or suspended shall not be entitled to file a new application by the establishment of a new legal entity, or otherwise, during the length of such revocation or suspension.

(2) In addition to the revocation or suspension of any license as provided in this chapter, any person who violates any provisions of this article, or any rule or regulation promulgated hereunder, is guilty of a misdemeanor, the penalty for which is prescribed under General Provisions Chapter of this City Code.

Sec. 7-13. Insurance required.

(a) No license shall be issued or renewed for a Class A contractor or a Class B limited contractor until the contractor has filed with the city clerk proof of liability

insurance insuring the contractor, his agents, employees and representatives, or anyone under licensee's supervision for the following insurance coverage while engaged in any activity or work pursuant to a contractor's license:

Bodily injury liability insurance. Insurance coverage with limits not less than five hundred thousand dollars for bodily injury or death sustained by one person and one million dollars for each occurrence. Property damage liability insurance. Coverage with limits not less than five hundred thousand dollars for each occurrence.

(b) Licensees under this article shall notify the city clerk within ten working days of the effective date of a change in the licensee's insurance and within ten working days of a licensee's notification of cancellation or non-renewal of the insurance, in whole or part. Licensees under this article shall keep current proof of insurance on file with the city clerk and the city shall not notify any such licensees of impending expiration of insurance coverage.

Sec. 7-14. Notification of board of place of business, etc.

Every person licensed under this chapter shall notify the Contractors' examination board of the address of his place of business and the name under which such business is carried on and shall give immediate notice to the board of any change in either.

Sec. 7-15. Persons excluded from requirements of article.

Any person who is under contract and bond to the city for any municipal work shall be excluded from the requirements of obtaining a license and furnishing the bond required by this article.

Article V Townhouses and Condominiums

Sec. 7-16. Definition of Condominium

The definition of a condominium shall be as defined in the Zoning Chapter. Before a building permit is issued for the construction of any condominiums, an owners association charter shall be drafted and submitted for review by the city attorney and final approval by the City Planning and Zoning Board.

Article VI Flood Damage Prevention

Sec. 7-17. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Alluvial Fan Flooding – means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport, and deposition, and unpredictable flow paths.

Apex – means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of Shallow Flooding – means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard – is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base Flood – means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement – means any area of the building having its floor sub-grade (below ground level) on all sides.

Critical Feature – means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development – means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated Building – means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing Construction – means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding – means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) the overflow of inland or tidal waters.

(b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) – means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map

Floodplain or Flood-prone Area – means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain Management – means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations – means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Protection System – means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Proofing – means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway) – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(e) by an approved state program as determined by the Secretary of the Interior or;

(f) directly by the Secretary of the Interior in states without approved programs.

Levee – means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System – means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor – means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program Regulations.

Manufactured Home – means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home Park or Subdivision – means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level – means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction – means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational Vehicle – means a vehicle which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projections;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction – (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land

preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement – means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance – is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation – means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation – means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 7-18. General Provisions.

Lands to Which this Ordinance Applies. The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Cody including extra-territorial jurisdiction (ETJs) if applicable, of the City of Cody.

Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Park County and The City of Cody," dated April 25, 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Establishment of Development Permit. A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

(a) considered as minimum requirements;

(b) liberally construed in favor of the governing body; and

(c) deemed neither to limit nor repeal any other powers granted under State Statutes.

Warning and Disclaimer or Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This

ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Sec. 7-19. Administration.

Designation of the Floodplain Administrator. The Public Works Director is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

Duties & Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(a) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(b) Review permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(c) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(d) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(e) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(f) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Wyoming Emergency Management Agency, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(g) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(h) When base flood elevation data has not been provided in accordance with Sec. 7-18, Basis for Establishing the Areas of Special Flood Hazard, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Sec. 7-20.

Permit Procedures. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Sec. 7-20, Specific Standards, paragraph (2) – Nonresidential Construction;

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(e) Maintain a record of all such information in accordance with Sec. 7-19, Duties & Responsibilities of the Floodplain Administrator, paragraph (1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(j) The relationship of the proposed use to the comprehensive plan for that area.

Variance Procedures.

(a) The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.

(b) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(c) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

(d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in the paragraph entitled “Permit Procedures,” paragraph (2) of this Section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

(1) variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) variances shall only be issued upon:

(i) showing a good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(1) the criteria outlined in Sec. 7-19, Variance Procedures, paragraphs (a)-(i) are met, and

(2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 7-20. Provisions for Flood Hazard Reduction.

General Standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(a) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(c) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(d) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(e) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(g) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Sec. 7-18, Basis for Establishing the Areas of Special Flood Hazard, (ii) Sec. 7-19, Duties & Responsibilities of the Floodplain Administrator, paragraph (h), or (iii) Sec. 7-20, Standards for Subdivision Proposals, paragraph (c), the following provisions are required:

(a) Residential Construction – new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Sec. 7-19, Permit Procedures, paragraph (a), is satisfied.

(b) Nonresidential Construction – new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

(c) Manufactured Homes – Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

Standards for Subdivision Proposals.

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with this ordinance.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Sec. 7-18, Establishment of Development Permit; Sec. 7-19, Permit Procedures; and the provisions of Sec. 7-20 of this ordinance.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Sec. 7-18, Basis for Establishing the Areas of Special Flood Hazard or Sec. 7-19, Duties & Responsibilities of the Floodplain Administrator, paragraph (h) of this ordinance.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Chapter 8

ELECTIONS*

8-1. State law governs city elections.
8-2. Wards.
8-3. Precincts.
8-4. Councilmen.
8-5. Residency.

* For state law as to wards, see W.S., 1977, § 15.1-164.

Sec. 8-1. State law governs city elections.

All city elections shall be held in conformity with the most recently compiled election laws of the state. (1960 Comp. Ords., § 1-303.)

Sec. 8-2. Wards.

The City is hereby divided into three wards, called Ward No. I, Ward No. II and Ward No. III, the boundaries of which shall be designated in an official ward map which shall be on display at City Hall and shall be approved by a majority of the council. Said map may be amended from time to time as is required to maintain the population in each ward as nearly equal as possible.

Sec. 8-3. Precincts.

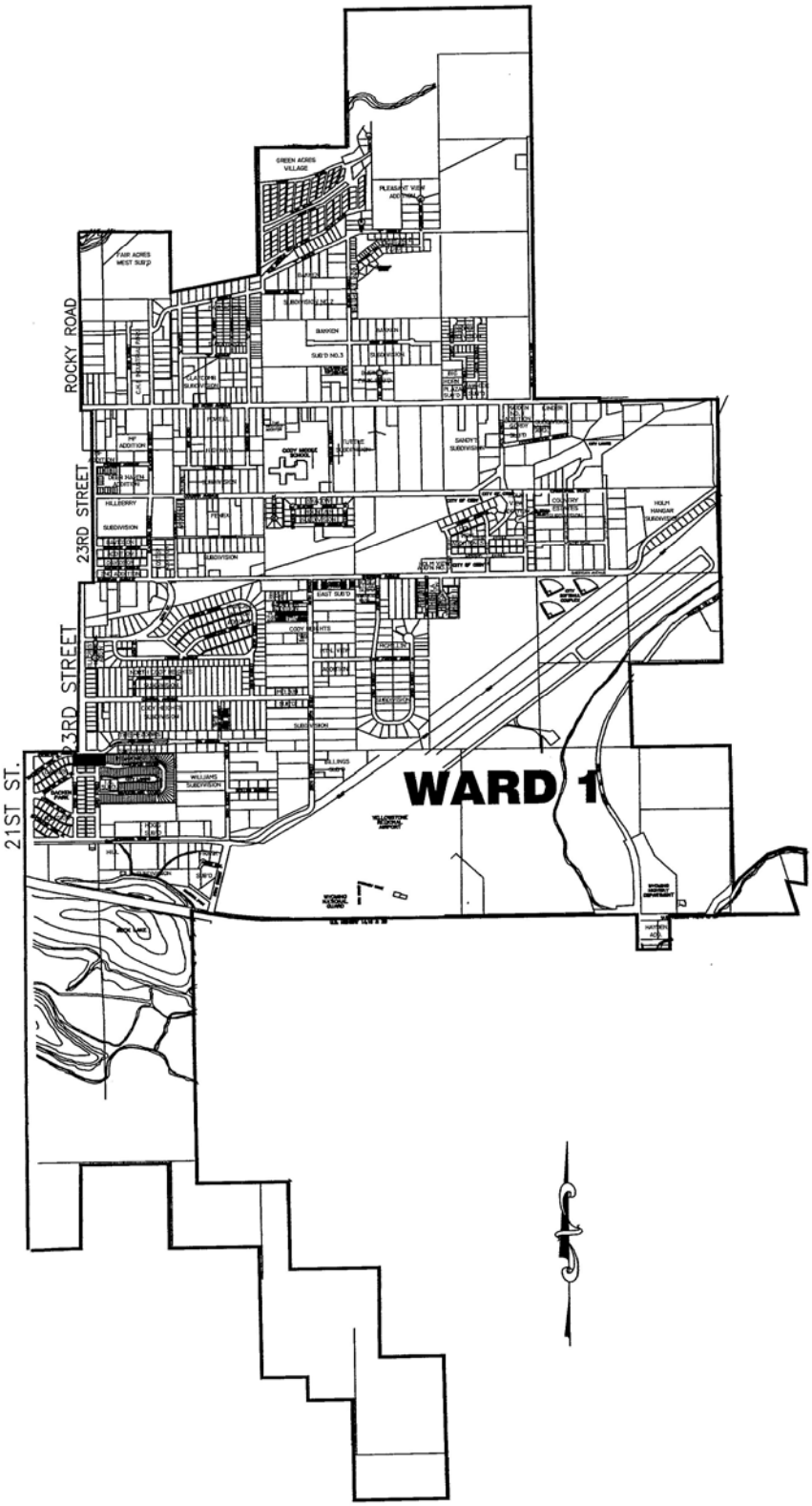
Precincts of the wards as herein established shall be those as established by the board of county commissioners. (1960 Comp. Ords., § 1-405.)

Sec. 8-4. Councilmen.

The city shall have six councilmen with two being elected from each ward by a multimember election district being comprised of the ward. (Ord. No. 00-12, § 1 (part).)

Sec. 8-5. Residency.

The mayor shall be a qualified elector residing within the city and a councilman shall be a qualified elector residing within the ward he was elected to serve from. The residency requirements shall be required to hold office and serve once a qualified candidate is elected. (Ord. No. 00-12, § 1 (part).)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23RD STREET
23RD STREET
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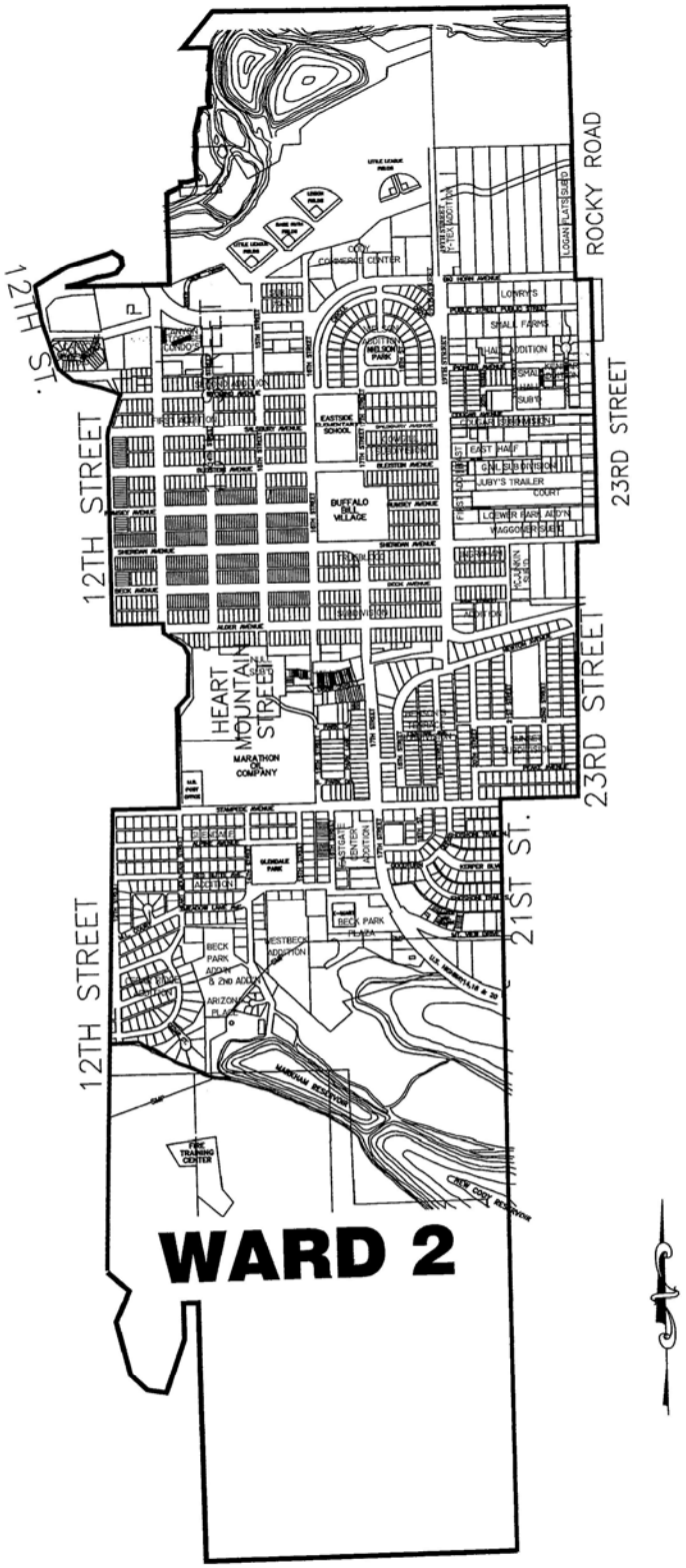
WARD 1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12TH STREET
23RD STREET
HEART MOUNTAIN STREET
23RD STREET
21ST ST.
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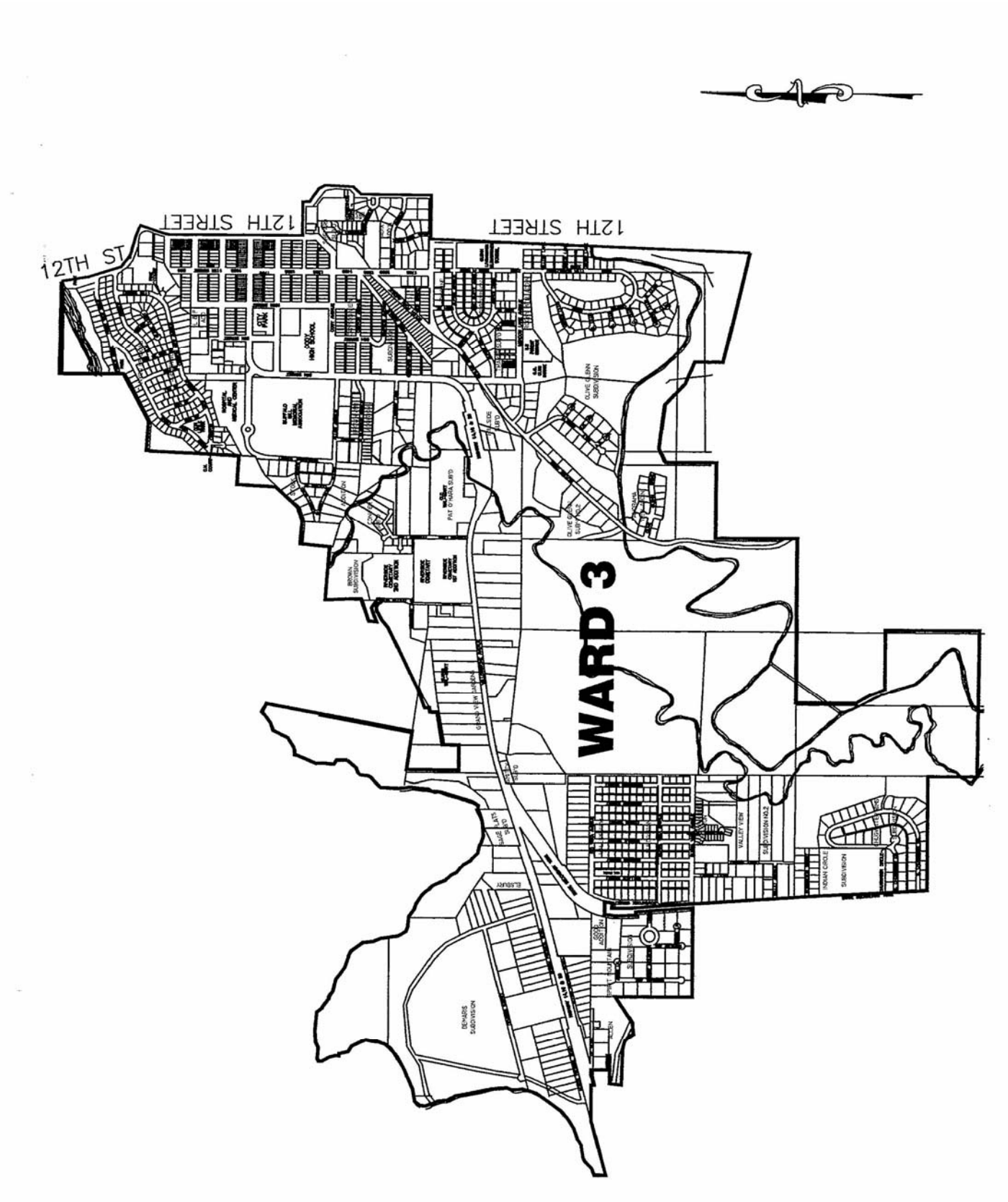
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CHAPTER 9

ELECTRICITY

Article I. In General

§ 9-1. Trimming of trees, shrubs and bushes; improvements.
§ 9-2. Interference with wiring etc., by unlicensed persons.
§ 9-3. Permit required for electrical work--Application; issuance.
§ 9-4. Permit required for electrical work--Plans and specifications.
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Article II. Municipal Electrical Supply

§ 9-8. General conditions governing city-supplied utilities.
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§ 9-10. Temporary service.
§ 9-11. Bridging or interfering with meters.

Article III. Rates and Charges for Electrical Current Furnished by City

§ 9-12. Collector.
§ 9-13. Schedule of rates.
§ 9-14. Payment of bills.
§ 9-15. Standards and policy.

Article I In General

Sec. 9-1. Trimming of trees, shrubs and bushes; improvements.

All property owners within the city limits shall keep their trees, shrubs and bushes situated on their property trimmed from time to time in such a manner that there shall be proper clearance between all electrical lines and any portion of the trees, shrubs and bushes. Said trees, shrubs and bushes shall be so trimmed that none of the branches, twigs or leaves of same shall come in contact with or in anyway interfere with the wires or other equipment upon said electrical lines. Said trees, shrubs and bushes in the streets and alleys shall be trimmed by the city at its expense. Should a property owner fail to properly trim the trees, shrubs and bushes located on the owner's property, the city may go upon the said property owner's property to do the necessary trimming and the city will bear all costs and expenses involved in doing so.

In no event shall any homeowner, contractor, developer or resident place structures, trees, shrubs or bushes in a utility right-of-way or easement without the written permission of the utility company holding said right-of-way or easement. If existing structures, trees, bushes or shrubs are located in a utility right-of-way or easement and are deemed to obstruct utility maintenance or operation, they stall be removed upon request from the utility at the property owner's expense. Any obstruction placed on a utility easement or right-of-way without express written permission of the utility that becomes damaged through necessary utility activity on said right-of-way will not be repaired or replaced by the utility or the City of Cody.

Any property owner who fails to trim trees, shrubs or bushes located on his property, and refuses to allow the city to do so, within ten days after having been given written notice by the City of Cody that same interfere with the city's electrical lines, shall be guilty of maintaining a nuisance and shall, upon conviction, be punished as provided in section 1-11 of this code. (Ord. No. 2001-5, § 1.)

Sec. 9-2. Interference with wiring, etc., by unlicensed persons.

It shall be unlawful for the owner, contractor, workman or any other person not licensed to do electrical wiring as provided herein, to interfere with any electrical wiring or metering apparatus in or on any building in any manner whatsoever. (Ord. No. 2001-5, § 1.)

Sec. 9-3. Permit required for electrical work-Application; issuance.

No alterations or additions shall be made in existing wiring in any building, nor shall any building be wired for the placing of any electric lights, motors, heating devices or any apparatus requiring the use of electrical current, nor shall any alterations be made in the wiring of any building after inspection without first notifying the city building official or designee and securing a permit therefore. Minor repair work, alterations costing twenty-five dollars or less, or additions of three outlets or less, and not requiring additional circuits need not be inspected, but must be reported to the city building official or designee. Within the fire limits, however, such additions and alterations shall be inspected, but no inspection fees will be required.

Applications for such permits describing such work shall be made by the person installing same on application blanks furnished by the city. The permit, when issued, shall be to such applicant. (Ord. No. 2001-5, § 1.)

Sec. 9-4. Permit required for electrical work--Plans and specifications

The architect and builder are required to furnish such plans and specifications for proposed electrical work as may be deemed necessary by the city building official or designee before any permit for the same shall be issued. (Ord. No. 2001-5, § 1.)

Sec. 9-5. Permit required for electrical work -Defective work.

Any person engaged in the business of electrical construction and of the installation of wiring and apparatus for electric lights, heat or power in the city who shall fail to promptly correct any defects in his work, after having been so notified by the city building official or designee, shall not receive any further permits until such defects have been corrected; and in any case in which any person shall continue to or persistently violate the provisions of this article, he shall be punished as provided in section 1-11 until he has complied with all the rules and provisions of this article to the satisfaction of the city building official or designee. (Ord. No. 2001-5, § 1.)

Sec. 9-6. Wiring interfering with building specifications.

If, in any case, the wiring is in such a position as to interfere with the completion of the buildings as called for by specifications, the wiring contractor must be notified to have it changed. (Ord. No. 2001-5, § 1.)

Sec. 9-7. Inspection fees.

All work done pursuant to or under any permits described in section 9-3 shall be inspected by the city building official or designee, who shall charge and collect therefore a minimum fee. (Ord. No. 2001-5, § 1.)

Article II Municipal Electrical Supply

Sec. 9-8. General conditions governing city-supplied utilities.

(a) Execution of contract for purchase of electricity for use by the city. The mayor and city council shall sign and execute any contract that may be made with any utility, federal or state agency, department or any municipality or joint powers board concerning the purchase of electrical energy for use by the city that may be approved by resolution of the city council.

(b) Service non-transferable without advance approval. The electrical service furnished by the City of Cody is intended to be used by the actual customer that has entered into the contract with the city for the uses contemplated by the rate category of the service. This service is not to be resold, assigned, used or extended off of the tract of land served for the use or benefit of any other individual, corporation or other entity in advance of receiving the specific written approval of the city administrator or his/her designee. (Ord. No. 2001-5, § 1.)

Sec. 9-9. Meter and service deposits.

(a) All new electrical customers shall pay a deposit before power may be supplied. All residential customers shall pay a deposit of one hundred dollars, and commercial customers shall pay a deposit of two hundred dollars.

(b) Electrical customers who can provide a credit letter from their prior electric utility which shows twelve consecutive months of utility payments during which they had no more than two late payments, no insufficient funds checks, no non-pay disconnects and that their final bill was paid on time, shall not be required to post a deposit as required in section 9-9(a).

(c) Meter deposits shall be returned to the customers who posted them after twelve months if all city utility bills are paid on time. If not already returned meter deposits shall be used at the termination of service to cover any amounts owed the city by the customer. A customer receiving service at a new location must pay any and all outstanding utility debts he may have accrued in the city before a new service may be started.

(d) In the case of rental property, the deposit shall be made either by the owner of the property, by his agent in his behalf or by the party renting the property as they may agree. At the written request of the owner of the property, service will be rendered for periods in which the property is vacant only if the owner agrees to pay all utility charges incurred at the particular property up until such time as a deposit is filed by a new renter. In the event that service is to be discontinued as a result of the failure of the utility customer to pay the utility bills, notice of the impending disconnect shall be given to the owner if the owner has requested in writing that he be notified in the event his renter fails to pay utility bills.

(e) Meter deposit refund checks which are not cashed by the individuals entitled to receive them within one year of their mailing by the City of Cody, and unclaimed meter deposits for accounts that have been inactive over two years, shall be sent to the state of Wyoming under the unclaimed property act. (Ord. No. 2001-5, § 1.)

Sec. 9-10. Temporary service.

Any person desiring temporary lighting and power service from the City of Cody during construction activities before permanent power is installed shall pay a non-refundable deposit of eighty-five dollars (single phase) or one hundred twenty-five dollars (three phase) for the meter to secure payment of electricity used. The person applying for temporary service shall pay for the electricity used at the commercial rate. (Ord. No. 2001-5, § 1.)

Sec. 9-11. Bridging or interfering with meters.

(a) Any person who shall remove, alter, scrape, bare, change or connect any device, wire or fixture to any electric power wire of the city before such wire reaches the meter shall be guilty of a misdemeanor. Any person who shall break any meter seal or the wire holding any meter seal or open any electric meter or change the dials or hands thereof or break the glass in an electric meter shall be guilty of a misdemeanor. Any person who attaches any device to any electric meter designed or used to prevent electric current from flowing through such meter or shall shunt across the wires of any electric meter, or close the loops thereof or who shall by any system of wires or devices attempt to use any electric current without having the same pass through the meter in such a way as to permit the full registration and metering of such electric current shall be guilty of a misdemeanor. (Ord. No. 2001-5, § 1.)

(b) In addition to any other remedies available against any individual convicted of a violation of section 9-11 (a) and in every case in which an electric meter is found to be in any of the conditions described in section 9-11 (a) which could affect the meter's operational accuracy, precision and ability to measure current, the city shall discontinue the service at the affected meter and the individual shall forfeit any deposit posted for the said meter. Provided, however, that the city shall first give the affected customer five days written notice that his service shall be discontinued and the customer shall have three days from the date of receipt of the said notice to file a written request for a hearing with the city administrator or his/her designee to show cause why his electrical utility service should not be disconnected and discontinued. Notification shall be accomplished by, and be complete upon, posting the written notice of termination upon the affected meter or by depositing a copy thereof, postage prepaid in the U.S. Mail, duly addressed to the customer at the address used by the city for utility bills in the case of an individual who has a utility account with the city. If the affected customer can show that his meter is not in the condition described in section 9-11 (a) then his service shall be reconnected and his meter deposit reinstated. The entire balance, if any, of an affected customer's utility account with the city shall become immediately due and payable upon discontinuation of the said service pursuant to this section. A new meter deposit must be posted and the actual cost of repairing the affected meter must be paid to the city once the meter is repaired before electrical service may be resumed at the same

(c) location. In addition, the customer shall pay for the estimated usage he should have received during the period of time when his meter was not functioning correctly, based upon the average billing for the period of time in question based on the said customer's previous billing experience with the city. If the customer has insufficient billing experience with the city from which to derive an estimated amount of usage based on previous experience, then and in that event, he shall pay an amount determined by the average electricity usage for that type of service of similarly situated city electrical utility customers over the period of time in question.

(d) It shall be the responsibility of each customer supplied with electricity to keep the electric meter accessible for reading, inspection, or testing. Continued failure to provide accessibility may result, after due notice, in cessation of service until the accessibility problem is corrected. (Ord. No. 2001-5, § 1.)

Article III Rates and Charges for Electrical Current Furnished by city.

Sec. 9-12. Collector.

(a) The director of administrative services or his/her designee shall be the collector of all city utility bills and is authorized to enter into agreements, on behalf of the city, for the payment of past due accounts including all applicable charges, on reasonable terms and conditions and to consolidate and equalize customers' utility payments.

(b) The director of administrative services or his/her designee with the approval of the city administrator or his/her designee shall be authorized to enter into agreements and assign applicable rates to adjust individual customer accounts. This may happen from time to time as necessary when a customer had been placed on an incorrect rate. (Ord. No. 2001-5, § 1.)

Sec. 9-13. Schedule of rates.

(a) Residential service rate.

(1) The rates to be charged for domestic purposes shall be as follows:

(i) For electrical usage billed after September 1, 2006

A. Each customer shall pay a monthly customer charge of $11.95; and

B. Additionally, each customer shall pay $0.067 per kilowatt-hour used per month as an energy charge.

(2) This rate is applicable to a single-family private dwelling unit supplied through one meter for domestic use. This schedule is not available to a residence, which is used for commercial purposes; except for offices, residential bed and breakfast facilities (as defined by W.S.S. Food and Safety Rule 2002), and day care centers, which are clearly incidental and secondary to the use of the dwelling purposes and are conducted only within the dwelling unit. If the customer's s wiring is so arranged that electric service for domestic and non-domestic purposes can be metered separately, then this schedule is available for that portion used for domestic purposes.

(b) Commercial and miscellaneous service rate.

(1) The rates to be charged for commercial and miscellaneous purposes shall be as follows:

(i) For electrical usage billed after September 1, 2006

A. Each customer shall pay a monthly customer charge of $32.00 and

B. Additionally, each customer shall pay $0.067 per kilowatt-hour.

(2) This rate shall be applicable to customers using electric service supplied at one point of delivery and for which no specific schedule is provided. Service size under this schedule shall be two hundred amperes maximum. For multiple services or services larger than two hundred amperes, the general service rate shall apply.

(c) Optional small commercial and miscellaneous service rate.

(1) The rates to be charged for the optional commercial and miscellaneous service rate shall be as follows:

For electrical usage after September 1, 2006

(i) Each customer shall pay a monthly customer charge of $10.00; and

(ii) Additionally, each customer shall pay $0.0950 per kilowatt-hour for all energy used per month as an energy charge.

(2) Customers who would otherwise be eligible for the commercial and miscellaneous rate and requesting service of 120/240 Volt single-phase or 120/208 network service may elect to be billed under this rate schedule. Customer election of this rate schedule shall be for a minimum period of twelve consecutive months.

(d) General service rate.

(1) The rates to be charged for those customers with demand meters shall be as follows:

For electrical usage billed after September 1, 2006

(i) Each customer shall pay a monthly customer charge of $64.00 and

(ii) Additionally, each customer shall pay $0.0325 per kilowatt hour per month as an energy charge; and

(iii) Additionally, each customer shall pay a monthly demand charge of $8.00 per kilowatt of demand as shown or computed from the readings of the city's demand meter installed at the customer's location for the fifteen-minute period of customer's greatest use during the billing period.

(1) Customers requesting or transferring service of more than two hundred amperes after May 14, 2001 shall be billed under this demand rate.

(2) A customer requesting multiple services at the same property may be charged under this rate if it is determined by the director of administrative services or his/her designee that such charges are necessary to recover the costs of the city's equipment used to provide service to such customer.

(3) The director of administrative services or his/her designee shall establish the rate classification for new commercial customers requesting electrical service, based on the customer's anticipated energy and demand requirements.

(e) Irrigation rate.

The rates to be charged for those customers with irrigation and pumping shall be as follows:

For electrical usage after June 1, 2005:

(1) Each customer shall pay an annual customer charge of $75.00 for twenty-five horsepower or less.

(2) Each customer shall pay an annual customer charge of $125.00 for everything over twenty-five horsepower.

(3) Additionally, each customer shall pay $0.0400 per kilowatt-hour per month as an energy charge;

(f) Outdoor nighttime lighting rate.

The rates to be charged for those customers who have city installed outdoor lighting on City of Cody structures shall be as follows:

150 Watt HPS	$ 5.50
175 Watt	$ 5.75
250 Watt	$ 7.50
400 Watt	$10.00
1000 Watt	$21.00

This includes all energy costs and maintenance costs associated with each unit.

(g) Service Charges.

The following charges apply to all levels of service in addition to any other charges.

Connection and Re-connection Charge:	
Normal Office Hours	$25.00
Other Than Normal Office Hours	$40.00
Trouble Calls on Customer-Owned Equipment:	
Normal Office Hours	No Charge
Other Than Normal Office Hours	$40.00
Temporary Service Connection:	
Single Phase	$85.00 (non-refundable)
Three Phase	$125.00 (non-refundable)
Returned Check Charge:	$30.00
Meter Testing:	
Testing of meters more than once at customer's request in a twelve-month period, where meter is found to be accurate within two percent	$50.00

(Ord. No. 2001-5, § 1.)

Sec. 9-14. Payment of bills.

(a) All bills for the rates and charges of all utility services furnished by the city shall be due fifteen days from the billing date. All bills shall be delinquent on the sixteenth day thereafter. Delinquent turn-off procedures shall commence after the thirty-fifth day and service will be turned off on the forty fifth day unless payment is made before that date except for cases of extreme hardship where adjustments/agreements can be made with the director of administrative services or during any period of extreme weather.

Extreme weather occurs when the average temperature is or is expected to be equal to or less than thirty-two degrees Fahrenheit for a period of twenty-four consecutive hours.

The director of administrative services or his/her designee shall determine if extreme weather is occurring or is expected and adjust disconnections or order re-connections appropriately. Where adjustments require additional re-connections and/or disconnections due to extreme weather, they shall be performed without additional fees or charges.

(b) In the event that a bill becomes delinquent the city shall initiate the delinquent turn-off procedures and the following charges shall be assessed:

Charge for the delivery of the final turn-off notice	$20.00
Disconnection of service at meter	$25.00
Disconnection other than meter	$40.00

(c) If any utility payment is dishonored for any reason the customer will be notified in writing stating that the account must be paid in cash or cash equivalent within thirty days of the notice. The customer will be shut off if payment is not received. The same procedure will apply to a second dishonored payment received within a twelve-month period

Upon receipt of a third dishonored payment, the same procedure will apply and the customer will be notified in writing that payment in cash or cash equivalent will be required for payment of all future city bills for all utility customer charges and other fees.

If any payment is delivered to the City to prevent a shut off and the payment is subsequently dishonored the customer will be subject to immediate service disconnection.

Any customer who fails to pay the amount of the check and the collection fee pursuant to this section is liable to the City for three (3) times the amount of the check but in no case less than one hundred dollars ($100), a collection fee of thirty dollars ($30) and court costs (W.S. 1-1-115).

(d) In the event that any utility service is discontinued for non-payment of bills, or receipt of dishonored payment, all applicable charges shall be paid in full prior to reconnection, as well as any applicable billing charges and the applicable connection or reconnection fees. A reasonable attorney's fee shall be recovered by the city along with the total delinquent balance including penalties and charges for all delinquent city-supplied utilities if legal action is initiated to collect the delinquent account. (Ord. No. 2001-5, § 1.)

(e) If any electric service meter is found to be more than two percent (2%) in error, either fast or slow, proper correction shall be made of previous readings and adjusted bills shall be rendered (1) for the period of six months immediately preceding the removal of such meter from service for test, or from the time the meter was in service since last tested, but not exceeding six months since the meter shall have been shown to be in error by such test, or (2) from the date error occurred if the date of the cause can be definitely fixed. No refund is required from the City except to the customer last served by the meter prior to the testing. The limitations imposed by this provision on the time for adjustment of bills shall apply to errors in electrical service meters regardless of the type of error.

Sec. 9-15. Standards and policy.

The Electric Distribution Standards Policy dated 2001 and prepared by the electrical services division of the City of Cody, Wyoming, is hereby adopted, made a part hereof by this reference and incorporated herein as if set forth in length; together with all changes, amendments, replacements or supplements as adopted and approved by resolution of the city council.

A copy of said Electric Distribution Standards Policy shall be kept in file at the city hall and marked "Official Copy." (Ord. No. 2001-5, § 1.)

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Chapter 10

FIRE PROTECTION*

Article I Repealed

§ 10-1--§ 10-3. Repealed.

Article II Repealed

§ 10-4--§ 10-10. Repealed.

Article III Fireworks

§ 10-11. Sale, license and use.
§ 10-12. Permit for public display.
§ 10-13. Certain exceptions to article.
§ 10-14. Reserved.

Article IV Repealed

§ 10-15. Repealed.

Article I Repealed

Sec. 10-1--Sec. 10-3. Repealed by Ordinance No. 79-9, § 1.

* For state law as to authority of city generally in connection with fire prevention, see W.S., 1977, § 15-1-103 (xxiv)--(xxviii).

For provisions concerning tampering, etc., with fire hydrants, see § 33-32 of this Code. As to exploding combustibles, etc., see § 20-13. As to false alarm of fire, see § 20-14. As to fire prevention requirements in connection with mobile home parks and mobile home communities, see § 16-14. As to minimum clearances from combustible materials to vent connection on gas appliances, see § 12-42. As to violation of regulations concerning the cutting of weeds on vacant lots, etc., as being a fire hazard, see § 11-27. As to fire prevention regulations in connection with incinerators, see § 11-10 et seq. As to burning leaves or branches from trees or shrubbery, etc., in streets or alleys, see § 20-7. As to fire hazards in connection with the operation of the municipal airport, see § 18-17 et seq. For regulations in connection of burning of rubbish generally, see §§ 11-8 and 11-9. As to the disposition of inflammable material generally, see § 11-5.

Article II Repealed

Sec. 10-4 to Sec. 10-10. Repealed by Ordinance No. 79-9, § 1.

Article III Fireworks

Sec. 10-11. Sale, license and use.

(a) Fireworks and pyrotechnics that are permitted by the Wyoming Statutes to be used or sold within the state, can be offered for sale, exposed for sale and sold from the Saturday commencing the Memorial Day weekend through Labor Day in the city in open business/light industrial "D-3" districts. The building or structure used for such purposes shall be permanent in nature and fixed to a foundation that is part of the real property and same shall not contain any goods or merchandise other than fireworks and pyrotechnics.

(b) Each firework and pyrotechnic business shall obtain a business license as provided for in chapter 15 and the annual license fee shall be twenty-five dollars.

(c) It shall be unlawful for any person to use, discharge, shoot, fire, light or detonate any firecrackers or other fireworks or pyrotechnics of any kind whatever, excepting caps and cap guns, within the city. (Ord. No. 79-18, § 1; Ord. No. 82-10, § 1; Ord. No. 82-12, § 1; Ord. No. 96-5, § 1.)

Sec. 10-12. Permit for public display.

The city council shall have the power to grant permits within the city limits for supervised public displays of fireworks by individuals, the city, amusement parks and other organizations and groups, and to adopt reasonable rules and regulations for the granting of such permits. Every such display shall be handled by a competent operator and shall be of a character and so located, discharged and fired as not to be hazardous to property or to endanger any person. No permit shall be transferable or assignable. (Ord. No. 79-18, § 1.)

Sec. 10-13. Certain exceptions to article.

This article shall not be construed to prohibit:

(a) Any person from offering for sale, exposing for sale, selling or delivering fireworks to the city, any individuals, amusement parks and other organizations and groups holding a permit issued for a public display as herein provided;

(b) Any person from using or exploding fireworks in accordance with the provisions of any permit issued as herein provided or as part of a supervised public display;

(c) Any person from offering for sale, exposing for sale or selling any fireworks which are to be and are shipped directly out of the state; or

(d) Any person from offering for sale, exposing for sale, selling, using or exploding blank cartridges for theatrical, ceremonial or historical purposes or in organized athletic or sporting events. (Ord. No. 79-18, § 1.)

Sec. 10-14. Reserved.

Article IV Repealed

Sec. 10-15. Repealed by Ordinance No. 79-9, 1.

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CHAPTER 11

GARBAGE, REFUSE AND WEEDS*

Article I. In General

§ 11-1. Definitions.
§ 11-2. Premises to be clean and orderly; unreasonable accumulation of materials.
§ 11-3. Occupied dwelling, etc., prima facie evidence garbage being produced; removal of garbage; accumulations declared nuisance.
§ 11-4. Storing, or littering, etc., garbage or refuse in streets, gutters, etc., prohibited.
§ 11-5. Inflammable material.
§ 11-6. Annual spring and fall clean-up.
§ 11-7. Removal of waste.
§ 11-8. Disposition of leaves, grass clippings, tree limbs and metal objects.
§ 11-9. Unlawful to burn rubbish.

Article II. Receptacles

§ 11-10. Receptacles required; specifications, etc.
§ 11-11. Restaurants, boardinghouses, etc., may be required to keep garbage in separate containers.

Article III. Collection and Removal

§ 11-12. Removal of certain garbage and grease under special contract.
§ 11-13. Fee--Schedule.
§ 11-14. Same--Monthly statements.
§ 11-15. Responsibility for removal; failure to pay charges.
§ 11-16. Use of receptacles by nonresidents prohibited.

Article IV. Weeds

§ 11-17. Purpose; violation a fire hazard and nuisance.
§ 11-18. Weeds to be mowed and removed.
§ 11-19. Liability for enforcement; notice to comply.
§ 11-20. City may have weeds cut; cost constitutes lien on property.
§ 11-21. Penalty.

Article V. Vehicles Transporting Loose Materials

§ 11-22. Covered cargo required.
§ 11-23. Duty of owner of truck or vehicle.
§ 11-24. Prima facie evidence.

§ 11-25. Penalty.

* For state law as to garbage and refuse, see W.S., 1977, § 35-10-101 et seq.
As to regulations concerning garbage, refuse, etc., at the Municipal Airport, see § 18-19.

Article I. In General

Sec. 11-1. Definitions.

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

Garbage. All kitchen refuse, rejected or waste food, meats, fish, fowl, offal, carrion or other refuse accumulation of fruit, vegetable or animal matter that attends the preparation, use, cooking of, or dealing in, or storing of meats, fish, fowl, fruits, vegetables or anything whatsoever which may decompose and become foul, offensive, unsanitary or dangerous to health.

Refuse. All hay, straw, shavings, paper, plastic, ashes, rubbish, containers, boxes, glass, cans, cartons, bottles and residue from the burning or other destruction of all combustible material whatsoever and any and all other material commonly known as rubbish or refuse of any kind or character, or by any name known, except as herein excluded. (Ord. No. 00-11, § 2 (part).)

Sec. 11-2. Premises to be clean and orderly; unreasonable accumulation of materials.*

It shall be the duty of every person, whether owner, lessee or occupant, of any lot, building or premises, including place of business, hotel, restaurant, dwelling house, apartment, townhouses, condominiums, tenement or other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation is hereby declared to constitute a nuisance, and a nonconforming use of the premises.

* As to nuisances, see ch. 19 of this Code.

Sec. 11-3. Occupied dwelling, etc., prima facie evidence garbage being produced; removal of garbage; accumulations declared nuisance.

Occupancy of any place of abode or any place of business in operation shall be prima facie evidence that refuse

or garbage is being on such premises. All places of abode or business in operation within the city limits shall have refuse service from the City of Cody and pay the applicable charges.

Any accumulation of refuse or garbage on any premises outside of city receptacles in the city is hereby declared to be a nuisance and is prohibited hereunder, except for during the bi-annual community cleanups. (Ord. No. 00-11, § 2 (part).)

Sec. 11-4. Storing, or littering, etc., garbage or refuse in streets, gutters, etc., prohibited.*

No hay, straw, shavings, paper, plastic or other combustible materials, sod, grass clippings, weeds, ashes, garbage, bottles, broken glass, nails, tacks, wire, cans, rocks, stones, or any other refuse, waste materials, or objects shall be placed, thrown, scattered, deposited or swept into any street, gutter, sewer intake, alley, vacant lot, lake, reservoir or other property. (Ord. No. 00-11, § 2 (part).)

* As to the disposal of litter and garbage on streets and alleys, see § 29-4 of this Code.

Sec. 11-5. Inflammable material.

All paper or other inflammable material, as well as all cartons and boxes, whether of paper, plastic, pasteboard, wood or other material, they must be knocked down, must be baled or securely tied in bundles, or when so approved by the street and alley department, must be placed in the trash and garbage receptacles or during spring or fall cleanup must be placed adjacent to the trash and garbage receptacles where accessible for collection. (Ord. No. 00-11, § 2 (part).)

Sec. 11-6. Annual spring and fall clean-up.

At times designated by the mayor and approved by the city council, for a general spring clean-up or fall cleanup, such refuse as lawn rakings, plant waste, boards, tree cuttings, sod, dirt, and similar materials which regularly accumulate about a yard and residence premises, appliances that do not contain freon, mattresses and similar household items, shall be deposited in a convenient place at or near the trash and garbage receptacle or another location designated by the City, such as the front of the residence abutting the sidewalk or city street. Paint, used oil and other substances with toxic chemicals can not be picked up by the city. (Ord. No. 00-11, § 2 (part).)

Sec. 11-7. Removal of waste.

The owners or persons responsible therefor shall not permit any unnecessary accumulation, and shall be held responsible for the immediate removal of all trash and

refuse to the county landfill, as follows unless special arrangements are made with the city, which arrangements shall include both removal of such materials, and the payment to the city treasurer for such removal:

(a) Discarded automobile parts, furniture, stoves, etc.

(b) Establishments dealing in wood, hides or furs, slaughter or packing houses, junk yards, tire shops, auto wrecking yards, etc. shall be kept clean and orderly at all times. Premises shall be kept clear by periodic removal, by the proprietors, of all discarded or removable refuse.

(c) Christmas tree vendors shall remove all refuse.

(d) Refuse from billboards shall be removed to the county landfill by the licensed bill posters.

(e) Silt and similar deposits from automobile wash racks shall be removed to the county landfill by the establishments creating such deposits.

(f) Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, manure shall not be kept on any premises for any purpose, or kept in piles for later use, but must be either plowed under or removed by the owner, occupant or agent.

(g) All plaster, broken concrete, stone, wood, roofing materials, wire or metal binding, sacks, or loose, discarded or unused materials of all kinds, resulting from the wrecking, construction or reconstruction of any room, basement, wall, fence, sidewalk or building, shall be promptly removed or stored in such manner as not to be scattered about by wind or otherwise, and, as soon as possible, removed, by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property.

(h) Any accumulation of refuse that is highly explosive or inflammable, which might endanger life or property shall be removed to such place as approved by the city; such removal to be handled by the establishments responsible there for.

(i) All other refuse which may be classed as regular accumulation of waste resulting from any factory, warehouse, trade or industry, shall be removed to the county landfill by those responsible therefor.

(j) Every circus, festival activity, arts and crafts show or carnival shall arrange to pay for the removal of all refuse and garbage in connection therewith, at the time the license is issued. (Ord. No. 00-11, § 2 (part).)

Sec. 11-8. Disposition of leaves, grass clippings, tree limbs and metal objects.

The following rule shall be complied with in placing the following items for collection and removal:

(a) All tree limbs, brush and similar refuse shall be cut into four-foot lengths or less, tied into bundles and placed in the receptacle for collection and removal. The volume of brush placed in the receptacle in any given week shall not exceed one-third of the volume of the receptacle.

(b) All leaves and grass shall be placed within the receptacle for collection.

(c) All metal objects, excluding and excepting tin cans, aerosol cans and similar type objects which are common household refuse, shall be removed to the county landfill by those responsible therefor. (Ord. No. 00-11, § 2 (part).)

Sec. 11-9. Unlawful to burn rubbish.

It shall be unlawful for any person to burn papers, rubbish, garbage, refuse or any waste, combustible substances or materials within the limits of the city without the prior consent of the city building inspector and city fire marshall. (Ord. No. 00-11, § 2 (part).)

Article II. Receptacles

Sec. 11-10. Receptacles required; specifications, etc.*

The city as part of its refuse and garbage collection, shall furnish a receptacle for the regular deposit of garbage and refuse as herein required. No such receptacle shall be allowed to overflow and be so constructed that refuse may be blown or scattered about in any way. All garbage and refuse shall be promptly deposited in such receptacles, and kept in no other place. (Ord. No. 00-11, § 2 (part).)

* As to fire prevention regulations generally, see ch. 10 of this Code.

Sec. 11-11. Restaurants, boardinghouses, etc., may be required to keep garbage in separate containers.

Restaurants, or other establishments where the accumulation of garbage is especially great, shall be required by the public works director to bag such garbage.

Article III. Collection and Removal*

* For state law authorizing the city to make reasonable rules and requirements for hauling refuse, see W.S., 1957, § 15.1-3(19).

Sec. 11-12. Removal of certain garbage and grease under special contract.

Certain garbage or grease shall be removed from specified establishments under special contract with the owners of such establishments and private contractors, shall be kept in closed sanitary containers, apart from other refuse, and taken out of the city. Such removal shall be made in closed, watertight containers approved by the city. (Ord. No. 00-11, § 2 (part).)

Sec. 11-13. Fee-Schedule is amended to read as follows:

There is hereby levied and assessed a service charge against persons and/or businesses in the city requiring garbage and debris disposal, as follows:

(a) For a one-family unit, private residence, house or apartment, there shall be a basic monthly minimum charge of fifteen dollars and eighty cents per month. Any user requiring two roll out containers shall pay twenty-four dollars and four cents per month and any user requiring three roll out containers shall pay thirty-two dollars and twenty-seven cents per month.

(b) For all commercial or business establishments, the city shall assess a basic monthly minimum charge of twenty-five dollars and forty-seven cents for one dumpster and one pickup per week. If a user requires different combinations of services or the city determines the users production and usage requires a different combination of services, the monthly charges shall be as follows:

3 Yd Containers	$15.80
1 Rollout	$15.80
2 Rollouts	$24.04
3 Rollouts	$32.27

1 Dumpster 1 X WK	$25.47
1 Dumpster 2 X WK	$48.75
1 Dumpster 3 X WK	$72.03
1 Dumpster 4 X WK	$95.30
1 Dumpster 5 X WK	$118.56
1 Dumpster 6 X WK	$141.84
2 Dumpsters 1 X WK	$48.75
2 Dumpsters 2 X WK	$95.30
2 Dumpsters 3 X WK	$141.84
2 Dumpsters 4 X WK	$188.38
2 Dumpsters 5 X WK	$234.94
2 Dumpsters 6 X WK	$281.47
3 Dumpsters 1 X WK	$72.03
3 Dumpsters 2 X WK	$141.84
3 Dumpsters 3 X WK	$211.66

3 Dumpsters 4 X WK	$281.47
3 Dumpsters 5 X WK	$351.30
3 Dumpsters 6 X WK	$421.11
4 Dumpsters 1 X WK	$95.30
4 Dumpsters 2 X WK	$188.38
4 Dumpsters 3 X WK	$281.47
4 Dumpsters 4 X WK	$374.56
4 Dumpsters 5 X WK	$467.65
4 Dumpsters 6 X WK	$560.74
5 Dumpsters 1 X WK	$118.56
5 Dumpsters 2 X WK	$234.94
5 Dumpsters 3 X WK	$351.30
5 Dumpsters 4 X WK	$467.65
5 Dumpsters 5 X WK	$584.02
5 Dumpsters 6 X WK	$700.37
6 Dumpsters 1 X WK	$141.85
6 Dumpsters 2 X WK	$281.48
6 Dumpsters 3 X WK	$421.11
6 Dumpsters 4 X WK	$560.74
6 Dumpsters 5 X WK	$700.37
6 Dumpsters 6 X WK	$840.00
7 Dumpsters 1 X WK	$165.03
7 Dumpsters 2 X WK	$327.85
7 Dumpsters 3 X WK	$490.67
7 Dumpsters 4 X WK	$653.49
7 Dumpsters 5 X WK	$816.31
7 Dumpsters 6 X WK	$979.13
8 Dumpsters 1 X WK	$188.38
8 Dumpsters 2 X WK	$374.55
8 Dumpsters 3 X WK	$560.72
8 Dumpsters 4 X WK	$746.89
8 Dumpsters 5 X WK	$933.10
8 Dumpsters 6 X WK	$1,119.27

(c) Any person or commercial or business establishment requiring garbage and debris pickup where the dumpsters and/or rollout containers are not readily accessible from the alley or a street shall be charged an additional fee of fifteen dollars for each pickup. If a person or commercial or business establishment fails to put out a dumpster or rollout container in time for a regularly scheduled pickup and they require a special pickup a charge of fifteen dollars shall be paid.

(d) Any person or business using a rollout container shall place the same at the curb area immediately in front of the users property not more than twelve hours before a scheduled pickup and shall remove same to the users property away from the street to a protected area within twelve hours of a scheduled pickup. Violations of this section shall be punished pursuant to section 1-11 of this Code. (Ord. No. 00-11, § 2 (part).)

Sec. 11-14. Same-Monthly statements.

The city treasurer shall bill every electricity and/or water user in the city on the basis set forth in the preceding section, and garbage and refuse disposal shall be set forth as a separate item on the monthly statements mailed by the city treasurer to such users. (Ord. No. 00-11, § 2 (part).)

Sec. 11-15. Responsibility for removal; failure to pay charges.

Upon failure of any user of garbage and refuse disposal service to pay his account in full within ten days of the date of billing, it shall be the duty and responsibility of the city treasurer to notify such user by regular mail, that his account is in arrears and must be paid within five days of receipt of such notice or all city utility services shall be discontinued. In the event such account remains unpaid at the expiration of the five-day period, the city treasurer shall instruct the necessary city departments to immediately discontinue further utility services to such user.

Upon payment of the account in full, plus fifteen dollars service charge, the city utility services shall be restored to such user. In the event all city utility services are discontinued due to nonpayment, one service charge of fifteen dollars shall apply for reconnection of all such services for that consumer.

Any person who allows garbage or refuse to accumulate on his premises so as to constitute a nuisance or menace to the public health or safety of the inhabitants of the city shall forthwith be subject to the provisions of chapter 19 relating to nuisances and the abatement thereof and the penalties therein provided. (Ord. No. 00-11, § 2 (part).)

Sec. 11-16. Use of receptacles by nonresidents prohibited.

It shall be unlawful for any individual to bring garbage which is generated or accumulated outside the city limits of the City of Cody into the City of Cody and dump same at any place or to place same in a receptacle that has been provided for the use of individuals or businesses within the city subscribing for garbage collection services. This prohibition shall not apply to residents of the city and who are paying for residential garbage collection services within the city.

Any individual found violating this provision shall be guilty of a misdemeanor and upon conviction thereof shall be punished and/or fined as provided in section 1-11 of this Code. (Ord. No. 00-11, § 2 (part).)

Article IV. Weeds

Sec. 11-17. Purpose; violation a fire hazard and nuisance.*

The purpose of this article is primarily to safeguard the health of this community. Violation of this article is also deemed to constitute a fire hazard and a nuisance. (Ord. No. 00-11, § 2 (part).)

* For regulations generally concerning nuisances, see ch. 19.

Sec. 11-18. Weeds to be mowed and removed.

It shall be the duty of the owner, lessee or occupant, having control of any lot or premises, to mow or otherwise destroy and remove the weeds that may grow upon such lot or premises, as well as upon the parking space between such property and the street, and also upon that portion of the alley adjoining such premises. (Ord. No. 00-11, § 2 (part).)

Sec. 11-19. Liability for enforcement; notice to comply.

The city requires compliance with this article. The owner, lessee or occupant of any premises shall be held liable for such compliance; and if such person shall refuse or fail to destroy and remove any weeds upon any premises under his care and control, he shall be served with verbal or written notice requiring removal of such weeds within three days from the date of such notice. (Ord. No. 00-11, § 2 (part).)

Sec. 11-20. City may have weeds cut; cost constitutes lien on property.

Upon failure to comply with notice as mentioned in section 11-17, the city may have such weeds destroyed and removed, charging the cost thereof as a special bill for refuse removal. Should such bill not be paid promptly, the same shall become a lien against such property, and collectible as such. (Ord. No. 00-11, § 2 (part).)

Sec. 11-21. Penalty.

Any person found guilty of violating any provision of this chapter shall be punished as provided in section 1-11 for each offense. Punishment as herein required shall not relieve such violator from paying the expense of the city hereinbefore provided for. (Ord. No. 00-11, § 2 (part).)

Article V. Vehicles Transporting Loose Materials

Sec. 11-22. Covered cargo required.

It shall be unlawful for any person to transport any loose cargo by truck or other motor vehicle within the corporate limits unless such cargo is covered or secured in such manner as to prevent depositing of litter on public and private property. (Ord. No. 00-11, § 2 (part).)

Sec. 11-23. Duty of owner of truck or vehicle.

The duty and responsibility imposed by section 11-20 shall be applicable alike to the owner of the trucks or other vehicles, the operator thereof and the person from whose residence or establishment the cargo originated. (Ord. No. 00-11, § 2 (part).)

Sec. 11-24. Prima facie evidence.

In the prosecution charging a violation of section 11-22, lack of adequate covering or securing shall in itself constitute proof a violation has been committed. (Ord. No. 00-11, § 2 (part).)

Sec. 11-25. Penalty.

Any person found guilty of violating any provision of this article shall be punished as provided in section 1-11. (Ord. No. 00-11, § 2 (part).)

Chapter 12

REGULATION OF BASIC CABLE TELEVISION

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Article I General Provisions

Sec. 12-1. Definitions.

For the purposes of these regulations, the following terms, phrases, words and abbreviations shall have the

meanings ascribed to them below, and shall apply in the interpretation and enforcement of these regulations:

"Basic service" or "basic cable service" has the same meaning as the term "basic service" as defined at USC 47 Section 522, or as amended.

"CFR" means the Code of Federal Regulations currently in effect, or as amended.

"Equipment" refers to all equipment and services subject to regulation under CFR 47 Section 76.923, or as amended.

"FCC" means the Federal Communications Commission, or successor governmental entity thereto.

"Franchisee" means a current holder or grantee of a cable television license or franchise.

"Municipality" means the City of Cody which has adopted these regulations whether acting through the governing body or its administration.

"Municipal representative" means the administrative department, division or individual as designated by the mayor then in elected office.

"Or as amended" refers to federal or state regulations or to those regulations as they may be amended; if a reference section is renumbered, the ordinance shall be read to refer to the section as renumbered.

"Revenues" shall mean all revenues, in whatever form received.

"Subscriber" shall mean any person who legally receives any one or more of the services provided by a franchisee.

"USC" means the United States Code currently in effect, or as amended. (Ord. No. 93-19, § 3(part).)

Article II Filing and Review of Rates

Sec. 12-2. Initial filings by franchisees.

(a) Filing--When made. A franchisee subject to regulation must file a submission (the rate filing) within thirty days of the notification of said regulation (but is not required to make a filing earlier than November 15, 1993), justifying its then existing basic service and

(b) equipment rates. All rates for customer classifications must be justified. Once a franchisee has been notified by the municipality that its rates are subject to regulation, it may not thereafter increase its rates for basic service or equipment without the prior approval of the municipality. This requirement applies in all cases, including increases in rates announced prior to the date the operator was notified its rates were subject to regulation. A franchisee must submit a rate filing to justify any increase in basic service or equipment rates or any new basic service or equipment rate (collectively referred to herein as rate increases). An increase occurs when there is an increase in rates or a decrease in program or customer services. Rate filings proposing and supporting increases must be filed for review at least thirty days in advance of the proposed effective date of the increase. This requirement does not alter or eliminate any other notice requirement. Where there is no applicable FCC form that is to be used to support an equipment charge, the franchisee shall submit sufficient information to demonstrate that the price it proposes to charge recovers only its costs plus a reasonable profit. (Ord. No. 93-19, § 3(part).)

(c) Filing--Where made. Every rate filing must be submitted to the municipality. A rate filing shall be considered filed for review on the date received. Three copies of each rate filing (including all supporting materials) must be submitted. If any part of the rate filing contains information that is claimed to be proprietary under applicable FCC rules, the franchisee must file three copies of the filing with the proprietary information removed.

(d) Filing--Contents. Subject to FCC regulations governing the burden of proof, a rate filing submitted by a franchisee must show that the rates proposed for basic service and equipment are reasonable. Except as inconsistent with FCC rules:

(1) Every rate filing must clearly state in a cover letter whether it justifies existing rates, or proposes an increase in rates. The cover letter must also identify any rate that is derived in whole or in part based upon cost of service, and identify any pages of the rate filing that contain information that the franchisee claims is proprietary. It must state whether any part of the proposed increase is based on an inflation adjustment or an alleged increase in external costs. The cover letter should also contain a brief narrative description of any proposed changes in rates or in service;

(2) The pages of each rate filing must be numbered sequentially;

(3) The rate must contain all applicable FCC forms correctly completed; and

(4) If different rates are being charged or are to be charged for different customers or classes of customers, the filing must show that the classifications and the differences in the rates charged are reasonable and consistent with federal law.

(d) If the franchisee seeks to support a rate based upon a cost of service, the municipality will establish a rate that provides the franchisee an opportunity to recover its reasonable costs, including a reasonable profit. An expense or investment is not presumed reasonable merely because the franchisee has incurred or made it. A franchisee is not entitled to recover monopoly rents in any form.

(e) In addition to information the municipality requires the franchisee to provide, unless the municipality grants a waiver of this provision, a franchisee who seeks to justify all or part of its rates based upon its cost of service must submit a complete cost of service analysis that shows all expenses it incurs and all revenues derived from the system, directly or indirectly by the franchisee or any person that constitutes a "cable operator" of the system within the meaning of USC 47 Section 522, or as amended. The cost of service must identify the accounting level (as that term is used in the FCC's regulations) at which each expense or revenue identified was aggregated and clearly show how the expense or revenue was allocated. The franchisee may not include costs at an accounting level unless it also includes all revenues from that same level attributable to the system or to a group of systems of which the system is a part. The replacement cost of a comparable system must be identified and supported. The franchisee must identify the name and address of any entity with which it has a contract, other than a programmer, which derives revenues from the system, and must state whether and how the revenues of that entity were included in the cost of service. In addition, the cost of service shall clearly show the derivation of a proposed charge per channel and the application of that charge to yield a basic service rate. It must also show and support the derivation and allocation of any amounts included in the derivation of the rate for:

1) Operation and maintenance expenses;

2) Administrative and general expenses;

3) Programming expenses (identifying retransmission consent costs and copyright fees separately);

4) Costs for required facilities, equipment or services for public, educational and government use and any institutional network;

5) Franchise fee expenses;

6) Investment in the system and associated depreciation;

7) Other itemized expenses, including federal, state and local taxes; and

8) The proposed return on equity and actual interest expense paid by the franchisee.

(f) Notwithstanding the foregoing, a franchisee is not required to submit the cost of service specified in subsection (e) of this section for equipment rates, and instead initially shall complete, submit and support the costs of equipment using applicable FCC forms. Any cost of service submitted to justify basic service rates must show that the cost of service does not include equipment costs. (Ord. No. 93-19, § 3(part).)

Sec. 12-3. Initial municipality review.

(a) After receiving a rate filing, the municipality promptly shall publish a notice that a filing has been received and that, except for those parts which may be withheld as proprietary, it is available for public review. The notice shall state that interested parties may comment on the filing, and shall provide all interested parties seven days to submit written comments on the filing. The municipality shall submit comments received and recommendations for action to the governing body no later than twenty days after the filing and shall make those comments and recommendations available for public inspection. The franchisee may submit a response to public comments or the municipality's recommendations, but must do so no later than five days after the municipality's recommendations are submitted to the governing body and the franchisee. The response shall be filed with the municipality, and if submitted in a timely fashion, shall be forwarded to the governing body. The governing body may provide for a public hearing to receive additional input from all parties if it so desires.

(b) Within thirty days of the date of the filing, the governing body shall issue a written order, which may be in

any lawful form, approving the proposed rate in whole or in part; denying the proposed rate in whole or in part; or tolling the proposed rate in whole or in part. If the governing body denies a proposed rate, it should provide a written explanation. If the governing body tolls the rate in whole or in part, its written order at least shall explain that it requires additional time to review the rate filing and state that the franchisee may cure any deficiency in its filing by submitting a supplementary filing. With respect to existing rates, tolling means the rates may remain in effect, subject to refund; with respect to rate changes, tolling means the portion of the rate change that is tolled may not go into effect. (Ord. No. 93-19, § 3(part).)

Sec. 12-4. Supplementary filings.

(a) If a proposed rate is tolled in whole or in part, the franchisee shall submit a supplementary filing twenty days from the date the tolling order was issued, containing corrections, if any, to its filing (including any required supplement to its cost of service filing) and any response to information filed by interested parties or to the recommendations of the municipality and any additional information supporting the proposed rate. Supplementary filings must be filed in accordance with section 12-1(b).

(b) A supplementary filing also must contain such reasonable information as the municipality directs the franchisee to provide.

(c) In addition to information the municipality requires the franchisee to provide, and unless the municipality grants a waiver of this provision, a franchisee who claimed that it is entitled under applicable federal law to a rate in whole or in part based upon the adjustments for inflation and external costs contemplated by CFR 47 Section 76.922(d) (1)-(2), or as amended, must submit the following:

(1) A calculation showing how each part of the adjustment was derived;

(2) A statement itemizing each external cost (as defined by FCC regulations), the amount of that external cost for the two calendar years prior to the date of the filing and the year-to-date in which the filing is made; and the projected amount of the external cost for the remainder of the year in which the filing is made and for the following calendar year. The statement must specifically show any increases in revenues from programming services;

(3) If the increase is attributable to any increase in programming service costs, the contract for each programming service whose cost has increased; a sworn statement identifying each programming service whose costs increased where the programmer is an affiliate of the franchisee (as defined by FCC regulations); and, for any contract that has been in effect less than twelve months, the prior contract for the service; and

(4) A sworn statement by the franchisee's chief financial officer or an independent, certified accountant stating that he or she has examined all external costs (including all programming costs) and has offset against any increase claimed, the amount of any decrease in external costs, and the amount by which any increase in external costs was below the GNP-PI, as required by CFR 47 Section 76.922(d)(2) , or as amended; affirming that the franchisee has only sought to recover any external cost to the extent that cost exceeded the GNP-PI; and affirming that the franchisee has not attempted to recover any increase in the cost of programming purchase by an affiliate except as provided in CFR 47 Section 76.922(d)(2)(vi), or as amended.

(d) Upon receiving the supplementary filing, the municipality promptly shall publish a notice that a filing has been received and that it is available for public review (except those parts which may be withheld as proprietary). The notice shall state that interested parties may comment on the filing, and shall provide interested parties twenty days to submit written comments on the filing. The municipality shall submit comments received and recommendations for action to the governing body. The recommendations shall be made available for public inspection. The franchisee may submit a response to public comments or the municipality's recommendations, but must do so no later than ten days after the municipality's recommendations are submitted to the governing body.

(e) The governing body shall issue a written order, which may be in any lawful form, approving the proposed rate in whole or in part; denying the proposed rate in whole or in part; or allowing the rate to go into effect in whole or in part, subject to refund. If the governing body denies a proposed rate, it shall provide a written explanation. If the governing body issues an order allowing the rates to go into effect subject to refund, it shall also direct the franchisee to maintain an accounting in accordance with CFR 47 Section 76.933, or as amended.

(f) The order specified in subsection (e) of this section shall be issued ninety days after the tolling order for any rate the franchisee justifies based on the FCC

benchmark. The order shall be issued within one hundred fifty days of the tolling order for any rate the franchisee justifies with a cost of service showing. (Ord. No. 93-19, § 3(part).)

Article III Provisions Generally Applicable To Rate Orders

Sec. 12-5. Effective date of rate orders, etc.

(a) Any rate order of the governing body shall be effective upon approval by the governing body and any publication required given the manner in which the order was adopted. Each rate order shall be released to the public and the franchisee. In any case where the governing body approves, denies or toll a rate, orders that a rate may go into effect subject to refund, or orders refunds or establishes rates, a public notice shall be published by the municipality stating that the order has been issued and is available for review. Any such order shall be in writing.

(b) The governing body may take any steps it is not prohibited from taking by federal law to protect the public interest as part of any rate order or by any other means. By way of illustration and not limitation, it may require refunds, set rates and impose forfeitures and penalties directly or through its delegated representatives, and enforce refund orders. No penalties shall be imposed, however, based only on a finding that the franchisee filed for approval of rates later found to be unreasonable. Any order prescribing a rate must explain why the franchisee's proposed rate was unreasonable and why the prescribed rate is reasonable. However, before prescribing a rate or ordering a refund to subscribers, the governing body shall ensure the franchisee has had notice and opportunity to comment on the proposed rate or refunds. If the recommendations of the municipality propose a specific rate, mailing a copy of the recommendation to the franchisee at the time it is submitted to the governing body shall be deemed to provide notice, and the franchisee must comment on the refund or rate in its response to the recommendations.

(c) No order approving or setting a rate using the FCC benchmark shall be interpreted to establish the just and reasonable rate to subscribers. Every such rate approved or established shall be subject to further reduction and the refund to the extent permitted under applicable laws and regulations, as the same may be amended from time to time. By way of illustration and not limitation, should the FCC reduce the benchmark, the municipality shall have the right to reduce a franchisee's rates and to require the franchisee to refund any amounts collected above the bench-

mark, except to the extent prohibited by federal law. (Ord. No. 93-19, § 3(part).)

Article IV Duties of the Franchisee

Sec. 12-6. Duties of the franchisee-Generally.

(1) A franchisee must implement remedial requirements, including prospective rate reductions and refunds, within sixty days of the date the governing body issues an order mandating a remedy.

(2) Within ninety days of the date an order mandating a remedy is issued, a franchisee must file a certification, signed by an authorized representative of the cable company stating:

(3) Whether the franchisee has complied fully with all provisions of the governing body's order;

(4) Describing in detail the precise measures taken to implement the governing body's order; and

(5) Showing how refunds (including interest) were calculated and distributed.

(c) It is each franchisee's responsibility to keep books and records of account so that it can refund any amounts owed to subscribers.

(d) It is each franchisee's duty to submit as complete a filing as possible, and knowingly withholding information or making a filing that is incomplete under applicable law shall be treated as an evasion of these regulations.

(e) Information requests.

(1) A franchisee and any other entity that has records of revenues or expenses that are allocated to the franchisee's system must respond to requests for information from the municipality by deadlines established by the municipality. A franchisee is responsible for ensuring that such other entity responds to the municipality's requests.

(i.) All notices or other information requested by these regulations or by the municipal representative shall be mailed to the person so appointed by the mayor, or to the mayor in the absence of a specific appointment; provided that any notices triggering a response due in ten days or less shall be sent via overnight mail, hand-deliv-

ered or sent via fax with telephone confirmation to the local office.

(1) Because federal law limits the time available for an initial response to a filing by a franchisee before the order contemplated by Article II of this chapter issues, the franchisee must be prepared to respond to written requests for information regarding its filing within five days of the date an information request is provided to the franchisee. The information may include the information the franchisee would be required to provide as part of any supplementary filing. (Ord. No. 93-19, § 3(part).)

Article V Duties of the Municipality

Sec. 12-7. Duties of the municipality--Generally.

(a) The municipality shall be responsible for administering the provisions herein. Without limitation and by way of illustration:

(1) The municipality shall ensure notices are given to the public and each franchisee as required herein and by FCC regulations;

(2) The municipality may submit requests for information to the franchisee and establish deadlines for responses;

(3) For good cause, the municipality may waive any provision herein or extend any deadline for filing or response except as to such matters that are mandatory under FCC regulations;

(4) The municipality shall rule on any request for confidentiality; and

(5) The municipality shall prepare the recommendations to the governing body contemplated by Article II, sections 12-3 and 12-4 of this chapter. If the municipality recommends that any increase be denied in whole or in part, the representative shall:

(i.) Propose a rate and explain the basis for its recommendation or the municipality may propose that rates remain at existing levels or a lower level;

(ii.) Recommend whether and on what basis refunds should issue; and

(iii.) Notify the franchisee of the recommendations at the time they are submitted to the governing body. (Ord. No. 93-19, § 3(part).)

Article VI Proprietary Information

Sec. 12-8. Request and production.

(a) If these provisions or any request for information requires the production of proprietary information, the franchisee must produce the information. However, at the time the allegedly proprietary information is submitted, a franchisee may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request must state the reason why the information should be treated as proprietary and the facto that support those reasons. The request for confidentiality will be granted if the municipality determines that the preponderance of the evidence shows that nondisclosure is consistent with the provisions of the Freedom of Information Act, USC 5 Section 552, or as amended. The municipality shall place in a public file for inspection any decision that results in information being withheld. If the franchisee requests confidentiality and the request is denied,

(1) Where the franchisee is proposing a rate increase, it may withdraw the proposal, in which case the allegedly proprietary information will be returned to it; or

(2) The franchisee may seek review within five working days of the denial in any appropriate forum. Release of the information will be stayed pending review.

(b) Any interested party may file a request to inspect material withheld as proprietary. The municipality shall weigh the policy considerations favoring nondisclosure against the reasons cited for permitting inspection in light of the facts of the particular case. It will then promptly notify by certified or registered mail the requesting entity and the cable franchisee that submitted the information as to the disposition of the request. The municipality may grant, deny or condition a request. The requesting party or the franchisee may seek review of the decision by filing an appeal with any appropriate forum. Disclosure will be stayed pending resolution of any appeal. (Ord. No. 93-19, § 3(part).)

Article VII Petition for Changes in Status

Sec. 12-9. Petition and consideration.

(a) Any franchisee may petition for a change in status in accordance with CFR 47 Section 76.915, or as amended, and the municipality shall consider that petition in accordance with CFR 47 Section 76.915, or as amended. The petition and three copies must be filed with the municipal representative. (Ord. No. 93-19, § 3(part).)

Article VIII Penalties and Forfeitures

Sec. 12-10. Penalty for violation, fraud and evasion.

(a) Except as prohibited by federal law, a franchisee shall be subject to penalties and forfeitures under section 1-11 of Chapter 1 of this Code.

(b) Any request for approval of a rate may be denied if the franchisee:

(1) Knowingly submits false or fraudulent information to the municipality in connection with any rate proceeding;

(2) Fails to comply with any lawful order or request of the municipality, including but not limited to a request for information concerning an order setting rates; or

(3) Evades or attempts to evade federal or local rate regulation; provided that filing for approval of a rate that is later determined to be unreasonable is not in and of itself an evasion of federal or local rate regulation. (Ord. No. 93-19, § 3(part).)

Article IX Customer Service Standards

Sec. 12-11. Minimum service standards required from cable franchise.

(a) Cable system office hours and telephone availability.

(1) Telephone services.

(i.) The franchisee will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers twenty-four hours a day, seven days a week.

(ii.) Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.

(iii.) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

(iv.) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty seconds. These standards shall be met no less than ninety percent of the time under normal operating conditions, measured on a quarterly basis.

(v.) The franchisee will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless a historical record of complaints indicates a clear failure to comply.

(vi.) Under normal operating conditions, the customer will receive a busy signal less than three percent of the time.

(2) Customer service centers and bill payment locations.

(i.) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

(b) Installations, outages and service calls.

(1) Under normal operating conditions, each of the following four standards will be met no less than ninety- five percent of the time measured on a quarterly basis:

(i.) Standard installations will be performed within seven business days after an order has been placed. Standard installations are those that are located up to one hundred twenty-five feet from the existing distribution system.

(ii.) Excluding conditions beyond the control of the franchisee, the franchisee will begin working on service interruptions promptly and in no event later than twenty-four hours after the interruption becomes known. The franchisee must begin actions to correct other service

problems the next business day after notification of the service problem.

(iii.) The appointment window alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The franchisee may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)

(iv.) A franchisee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(v.) If a franchisee representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

(c) Communications between the franchisee and cable subscribers.

(1) Notification to subscribers.

(i.) The franchisee shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

(A) Products and services offered;

(B) Prices and options for programming services and conditions of subscription to programming and other services;

(C) Installation and service maintenance policies;

(D) Instructions on how to use the cable service;

(E) Channel positions of programming carried on the system; and,

(F) Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.

(ii.) Customers will be notified of any changes in rates, programming services or channel positions as soon

as possible through announcements on the cable system and in writing. Notice must be given to subscribers a minimum of thirty days in advance of such changes if the change is within the control of the franchisee. In addition, the franchisee shall notify subscribers thirty days in advance of any significant changes in the other information required by the preceding paragraph.

(2) Billing.

(i.) Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(ii.) In case of a billing dispute, the franchisee must respond to a written complaint from a subscriber within thirty days.

(3) Refunds.

(i.) Refund checks will be issued promptly, but no later than either:

(A) The customer's next billing cycle following resolution of the request or thirty days, whichever is earlier; or

(B) The return of the equipment supplied by the franchisee if service is terminated.

(4) Credits.

(i.) Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(d) Definitions.

(1) Normal business hours. The term "normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.

(2) Normal operating conditions. The term "normal operating conditions" means those service conditions which are within the control of the franchisee. These conditions which are not within the control of the franchisee include

power outages, telephone network outages, and severe or unusual weather conditions. These conditions which are ordinarily within the control of the franchisee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

(3) Service interruption. The term "service interruption" means the loss of picture or sound on one or more cable channels.

(e) Customer service obligations.

(1) Nothing in these customer service standards should be construed to prevent or prohibit:

(i.) The governing body and a franchisee from agreeing to customer service requirements that exceed the standards set forth in subsections (a) through (d) of this section;

(ii.) The governing body from enforcing, through the end of the franchise term, preexisting customer service requirements that exceed the standards set forth in subsections (a) through (d) of this section and are contained in current franchise agreements;

(iii.) Any state or the governing body from enacting or enforcing any consumer protection law, to the extent not specifically preempted herein; or

(iv.) The establishment or enforcement of any state or municipal law or regulation concerning customer service that imposes customer service requirements that exceed, or address matters not addressed by, the standards set forth in paragraphs (a) through (d) of this section. (Ord. No. 93-19, § 3(part).)

Chapter 13

HEALTH AND SANITATION*

Article II In General

§ 13-1. Enforcement of health laws and ordinances; mayor's right of entry.
§ 13-2. Communicable disease control.

Article II Board of Health

§ 13-3. Establishment; composition; term.
§ 13-4. Powers and duties generally.
§ 13-5. Duty of general public to cooperate with and obey board of health.

Article III Slaughterhouses

§ 13-6. License--Required.
§ 13-7. Same--Restrictions.
§ 13-8. Same--Applications.
§ 13-9. Same--Fees.
§ 13-10. Inspections.

Article IV Smoking Prohibited

§ 13-11. Definitions.
§ 13-12. Prohibition.
§ 13-13. Violations-Penalty.

* For state law as to health regulations generally, see W.S., 1957, §§ 35-166 to 35-186.

As to throwing refuse in city reservoir, see ch. 11 of this Code. As to regulations in connection with restaurants, see ch. 25. As to rabies regulation generally, see § 5-19.

Article II In General

Sec. 13-1. Enforcement of health laws and ordinances; mayor's right of entry.

The mayor shall require enforcement of this Code and of all other ordinances and laws pertaining to public health and contagious diseases. To this end, he is hereby authorized to enter at any reasonable time, in person or by deputy, any building, premises, or vehicle within the city or its police jurisdiction and to command the aid of the police department, if necessary, to obtain such enforcement. (1960 Comp. Ords., § 7-103.)

Sec. 13-2. Communicable disease control.

The procedures for the control and elimination of communicable or contagious diseases within the city shall be those procedures set out in the rules and regulations of the state board of health. At least one copy of such rules and regulations shall be kept on file in the office of the city clerk and in the office of the health officer. It shall be unlawful and a violation of this Code for any person to violate or fail to comply with any of the provisions of such rules and regulations.

Article II Board of Health

Sec. 13-3. Establishment; composition; term.*

The mayor is hereby authorized to establish a board of health, to consist of three qualified, practicing physicians in the city, and their duties shall be as hereinafter provided, and who shall hold office during any emergency or at the pleasure of the city council. (1960 Comp. Ords., § 7-101.)

* For state law authorizing the city to appoint a board of health, see W.S., 1957, § 15.1-3(27).

Sec. 13-4. Powers and duties generally.

(a) The board of health shall take cognizance of the interest of the health and life of the people of the city, make sanitary investigations, and inquiries respecting the causes of disease, especially of epidemics, source of malady and the effects, locality, employment, conditions, habits and other circumstances bearing upon the public health. It shall be their duty, together with the police officials of the city to investigate regarding all contagious or infectious diseases that are a menace to the public safety, and shall make proper rules and regulations in respect to these matters as may be useful in the discharge of their duties and contribute to the promotion of health and security of life within the city.

(b) The board of health shall cause inspections to be made by police officials, and in person, at such times as it may deem best, of all hospitals, prisons, or public business places and private residences as to the disposal of excreta, heating and ventilation, and other circumstances in any way affecting the health of their inmates or occupants, and in addition, shall have full power and control over any infectious or contagious disease, and shall make such orders and suggestions and such remedy as it may

deem advisable for the removal of any conditions detrimental to the health of the city. (1960 Comp. Ords., § 7-102.)

Sec. 13-5. Duty of general public to cooperate with and obey board of health.

It shall be the duty of all persons within the city to give any and all information that may be reasonably requested by the board of health, or any police official concerning any threatened danger to the public health, and to obey any and all rules and regulations promulgated by the board of health, and each and every person aforesaid shall cooperate to prevent the spread of disease under such rules and regulations as may be from time to time promulgated by the board of health. (1960 Comp. Ords., § 7-102.)

Article III Slaughterhouses

Sec. 13-6. License--Required.

It shall be unlawful for any person to locate, build, construct, use, operate or maintain a slaughterhouse, packing house, factory or processing plant which processes whole (whole meaning entrails intact in animal) unskinned beef, sheep, swine, elk or deer within the corporate limits of the city or within the distance of one mile beyond the corporate limits of the city without having a license therefor issued as hereinafter provided; or to be in violation of the terms of such license; or in violation of the provisions of this article. (Ord. No. 74-5, § 1; Ord. No. 75-1, § 1.)

Sec. 13-7. Same--Restrictions.

No such license shall be issued to any person for locating, building, constructing, using, operating or maintaining any establishment named in the first section of this article within the corporate limits of the city, except in an Industrial "E" District as set out and defined in the Zoning Ordinance. (Ord. No. 74-5, § 2.)

Sec. 13-8. Same--Applications.

Applications for such licenses shall be made to the mayor in writing, signed by the applicant in person and verified by the oath of the applicant, and shall contain the following information:

(a) The location where it is proposed to operate and maintain such establishment.

(b) The names and addresses of partners or persons receiving or to receive a share of the profits.

(c) A statement that the applicant has not been convicted of a felony, and is not otherwise disqualified by law to receive a license, and if the same had been revoked, the reasons for such revocation. (Ord. No. 74-5, § 3.)

Sec. 13-9. Same--Fees.

The annual fee for such license shall be one hundred dollars; provided, that any applicant for such license who does not operate his establishment for a full year shall state in his application the specific months in which the establishment shall be operated and shall be charged a minimum of twenty-five dollars for each quarter of a year's operation or less. A quarter shall consist of three consecutive months.

In addition to the annual license fee, there shall be a quarterly sewer fee payable on January 1, April 1, July 1 and October 1 of each year, based on the previous three months' usage. The quarterly sewer fee shall be equal to one dollar for each animal slaughtered during the quarter less an amount equal to the current quarterly sewer fee charged to a commercial user. The licensee shall furnish a quarterly report to the city treasurer showing the kind and number of animals slaughtered during the previous quarter. (Ord. No. 74-5, § 4; Ord. No. 75-1, § 2.)

Sec. 13-10. Inspections.

The city building inspector and city license officer shall conduct periodic inspections of such establishments on a regular basis and shall report any violations of the city ordinances to the mayor. (Ord. No. 74-5, § 5.)

Article IV Smoking Prohibited

Sec. 13-11. Definitions.

(a) "City of Cody facilities" means any enclosed building or structure that is owned and operated by the City of Cody, which includes, but is not limited to, City Hall at 1338 Rumsey Avenue, City Maintenance Shop at 119 - 19th Street, City Electric Shop at 225 - 19th Street, Convention Center at 1240 Beck Avenue, Swimming Pool at 1228 Beck Avenue, Multi-Sports Center at 1526 - 23rd Street, Stock Center (Cody Chamber - Shoshone Recreation) at 836 Sheridan Avenue, and the Girl Scout House at 945 - 9th Street.

(b) "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.

(c) "Smoking" means the lighting, holding or carrying of, or emitting or exhaling the smoke of, a pipe, cigar or cigarette of any kind. (Ord. No. 93-1, § 1(part); Ord. No. 94-4, § 1(part).)

Sec. 13-12. Prohibition.

Smoking is unlawful and prohibited at all times in all the City of Cody facilities. (Ord. No. 93-1, § 1(part); Ord. No. 94-4, § 1(part).)

Sec. 13-13. Violation-Penalty.

(a) Any person who violates any provision of this article shall be guilty of a misdemeanor.

(b) Any person convicted of violating this article shall be punished by a fine of not more than seven hundred fifty dollars, to which shall be added costs of five dollars. Each daily violation of this article shall constitute a separate offense. (Ord. No. 93-1, § 1(part); Ord. No. 94-4, § 1(part).)

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Chapter 14

PARADES AND OPEN AIR MEETINGS*

§ 14-1. "Parade," "open air meeting" defined.
§ 14-2. Permit required.
§ 14-3. Application for permit--Filing--Contents.
§ 14-4. Hours during which parades or open air meetings not to be held.
§ 14-5. Number of participants.
§ 14-6. Obstruction of streets and sidewalks not permitted--Exception.
§ 14-7. Action on application for permit-Grounds for refusal--Reapplication—Time limits.
§ 14-8. Contents of permit.
§ 14-9. Copy of permit to be furnished to city department.
§ 14-10. Applications for conflicting activities-Priority of scheduling--Action on activities--Limitations on issuance.
§ 14-11. Permit fees--Waiver.
§ 14-12. Payment of permit fee--Advance payments.
§ 14-13. Responsibilities of parade sponsor.
§ 14-14. Funerals and peaceful picketing exempt from chapter.

* Editor's Note: A former Ch. 14 entitled "Hotels, Motels and Lodginghouses" was repealed by Ordinance No. 87-1.

Sec. 14-1. "Parade," "open air meeting" defined.

(a) The term "parade" as used in this chapter shall mean any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, including those of a religious or political nature, or any similar display in or upon any street.

(b) The term "open air meeting" as used in this chapter shall mean any congregation of citizens held outdoors and upon any alley, highway, or any public way, or on any property belonging to or under the supervision or control of the city government for the purpose of hearing speakers or discussing some matter of common interest, where the number of participants expected may reasonably be assumed to exceed ten persons; the term shall include religious and political meetings. (Ord. No. 94-6, § 2(part).)

Sec. 14-2. Permit required.

No person shall participate in a parade or open air meeting unless a written permit for the parade or open air meeting shall first be obtained from the city clerk, nor shall any person participate in any parade or open air meeting which violates the provisions of this chapter. (Ord. No. 94-6, § 2(part).)

Sec. 14-3. Application for permit--Filing--Contents.

Application for a permit required by this chapter shall be made in writing to the city clerk at least fifteen days prior to the event by a representative of the group seeking the permit, and shall set forth the following information:

(a) The name, address and telephone number of the person or organization seeking to conduct any parade or open air meeting.

(b) If the parade or open air meeting is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization.

(c) The name, address and telephone number or the person who will be the parade chairman or chairman of the open air meeting, or any person otherwise in charge.

(d) The date when the parade or open air meeting is to be conducted.

(e) The route to be traveled, the starting point, the termination point and the location of speakers' platforms, if any.

(f) The approximate number of persons who, and animals and vehicles which, will constitute the parade or open air meeting and the type of animal, if any.

(g) The hours when such parade or open air meeting will start and terminate.

(h) A statement as to whether the parade will occupy all or only a portion of the width of the streets or sidewalks proposed to be traversed.

(i) The location by streets of any assembly areas for the parade or open air meeting.

(j) The time at which units of the parade will begin to assemble at any assembly area or areas. (Ord. No. 94-6, § 2(part).)

Sec. 14-4. Hours during which parades or open air meetings not to be held.

All parades shall be held during daylight hours at time other than peak traffic periods which are 7:30 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., Monday through Saturday. All open air meetings shall conclude by 11:00 p.m. (Ord. No. 94-6, § 2(part).)

Sec. 14-5. Number of participants.

Parades and open air meetings shall be limited to such numbers of persons and vehicles as will not obstruct traffic, either vehicular or pedestrian, in an unreasonable manner. (Ord. No. 94-6, § 2(part).)

Sec. 14-6. Obstruction of streets and sidewalks not permitted--Exception.

No parade or open air meeting shall be conducted in a manner that unreasonably interferes with the free and unobstructed use of any public street or sidewalk by other persons unless the permit granted for the activity specifically closes the street or sidewalk so interfered with. (Ord. No. 94-6, § 2(part).)

Sec. 14-7. Action on application for permit-Grounds for refusal--Reapplication--Time limits.

(a) Following receipt of an application or reapplication for a permit required by this chapter, the city clerk shall either, within twenty-four hours, issue or reject the application.

(b) Permits may be rejected on the basis of an improper or incomplete application or for other valid reasons, and specific reasons for rejection shall be made known to the applicant, in writing, at the time of rejection. (Ord. No. 94-6, § 2(part).)

Sec. 14-8. Contents of permit.

The permit required by this chapter issued by the city clerk shall prescribe the following:

(a) The date of the parade or open air meeting and the times of commencement and termination.

(b) Minimum speed.

(c) Maximum speed.

(d) Maximum interval of space to be maintained between the units of the parade.

(e) What portion of the streets or sidewalks or other public area is to be occupied by the parade or open air meeting, and the location of assembly areas in the case of parades.

(f) The maximum number of persons, vehicles and animals to be allowed to participate in the activity.

(g) The route of the parade or the place of the open air meeting. (Ord. No. 94-6, § 2(part).)

Sec. 14-9. Copy of permit to be furnished to city department.

The city clerk shall furnish a copy of all permits issued pursuant to this chapter to all other city departments that may in any way be involved by the parade or open air meeting for which a permit is issued. (Ord. No. 94-6, § 2(part).)

Sec. 14-10. Applications for conflicting activities-Priority of scheduling--Action on activities--Limitations on issuance.

(a) If the city clerk shall receive more than one application for a parade or open air meeting to be held at the same time and the same place or on the same day, the application filed first in time shall take precedence.

(b) An application for a permit required by this chapter shall be considered to be "at the same time" if the event is scheduled to commence within two hours before or after the holding of another event.

(c) An application shall be considered to be "at the same place" if the requested parade route comes at any point within two thousand feet, measured in a straight line, from the route of another parade or an open air meeting or, if the open air meeting is to be conducted within two thousand feet of another open air meeting or any point of a parade route.

(d) If the city clerk receives an application for more than one parade or open air meeting in a single day, he may set a time for the duration of each parade or open

air meeting, which time shall not, without the consent of the group seeking the permit, be less than three hours.

(e) The city clerk may issue permits for more than a single parade or open air meeting during one day in accordance with the requirements of this chapter; however, he shall not issue multiple permits beyond the point at which the issuance of an additional permit would require the continuing diversion of so great a number of police officers or other municipal personnel as to prevent normal police protection or other services to the city. (Ord. No. 94-6, § 2(part).)

Sec. 14-11. Permit fees--Waiver.

(a) For street parades the fee shall be one hundred dollars.

(b) For open-air meetings the fee shall be one hundred dollars.

(c) Upon application in writing properly made to the city council, the city council may waive the required fees. (Ord. No. 94-6, § 2(part).)

Sec. 14-12. Payment of permit fee--Advance payments.

Fees for permits, if required by this chapter, shall be paid at the time the permit is issued. No permit shall be issued unless the entire fee, if required, is paid in advance. (Ord. No. 94-6, § 2(part).)

Sec. 14-13. Responsibilities of parade sponsor.

It is unlawful for any person to cause the assembling of any persons, animals or vehicles for the purpose of having a parade or to cause persons to participate in such parade for which no permit has been issued, or to cause or allow any person, animal or vehicle to participate in a lawfully permitted parade in a manner which violates the provisions of this chapter. (Ord. No. 94-6, § 2(part).)

Sec. 14-14. Funerals and peaceful picketing exempt from chapter.

Funerals are exempted from the terms and provisions of this chapter; peaceful picketing is exempted from the terms and provisions of this chapter. (Ord. No. 94-6, § 2(part).)

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Chapter 15

LICENSES GENERALLY*

§ 15-1. Required.
§ 15-2. Form of application; conditions of granting; right of entry.
§ 15-3. Term; expiration date; proration of fee.
§ 15-4. Contents.
§ 15-5. Posting; duty of licensee to show license.
§ 15-6. License officer--Definition; duties generally.
§ 15-7. Same--Authority to make inspections.
§ 15-8. Authority generally of inspectors.
§ 15-9. Reports of inspectors.
§ 15-10. Issuance of provisional order to comply.
§ 15-11. Service of notice to comply.
§ 15-12. Period of compliance with provisional order.
§ 15-13. Hearing before expiration of compliance time.
§ 15-14. Modifying authority of license officer.

* As to persons driving vehicles wilfully or carelessly in a manner to obstruct, impede or otherwise interfere with the progress or working of any fire truck, etc., see § 10-3 of this Code. For licensing regulations in connection with electricians, see § 9-6 et seq. For licensing regulations in connection with bicycles, see § 6-2 et seq. As to licensing regulations in connection with vending machines, see § 32-1 et seq. As to licensing regulations in connection with taxicabs, see § 31-1 et seq. As to licensing requirements for commercial advertising by sound trucks, see § 28-3. As to licensing requirements for soft drink dealers, see § 27-2 et seq. As to licensing requirements to make sewer connections, see § 26-4 et seq. As to licensing regulations in connection with restaurants, see § 25-2 et seq. As to regulations concerning plumber licenses, see § 23-7 et seq. As to licensing requirements in connection with transient merchants or peddlers, see § 22-3 et seq. For licensing regulations in connection with pawnbrokers, see § 21-2 et seq. As to license and registration of dogs, see § 5-9 et seq. As to licensing in connection with alcoholic beverages, see § 3-11 et seq. As to licensing regulations in connection with pool halls, bowling alleys and card tables, see § 4-1 et seq. As to licenses for open-air dance pavilions, dance halls, skating rinks and motion picture theaters, see § 4-10. As to licensing provisions in connection with the operation of mobile parks and communities, see § 16-2 et seq. For licensing regulations in connection with hotels, motels and lodging houses, see § 14-2 et seq. For regulations concerning the licensing of gas fitters, see § 12-5 et seq. As to licenses to operate transient amusements, see § 4-11 et seq.

§ 15-15. Failure or refusal to comply with provisional order.
§ 15-16. Suspension or revocation by license officer.
§ 15-17. Effect of revocation or suspension.
§ 15-18. Summary action by license officer--Authority to revoke, etc.
§ 15-19. Same--Special hearing.
§ 15-20. Appeal from decision by license officer--To mayor and council.
§ 15-21. Same--Contents of appeal.
§ 15-22. Same--Notification of license officer.
§ 15-23. Same--Hearing.
§ 15-24. Same--Effect of decision; service of copy on appellant.
§ 15-25. Collection of unpaid license fees.

Sec. 15-1. Required.

No person shall engage in, prosecute or carry on any business referred to in this Code or any other ordinances of the city or conduct and operate a business within the limits of the city, requiring a license, without first having obtained a license therefor and having paid to the city the license fee as provided therein. (1960 Comp, Ords., § 19-101.)

Sec. 15-2. Form of application; conditions of granting; right of entry.

Every applicant for any license of the character specified in the preceding section shall make written application for such license to the city council in whatever form the council may prescribe.

Every such license granted as herein provided shall be understood and deemed to be granted subject to all conditions set forth in the form of application prescribed by the city council. The chief of police or any police officer of the city is hereby given the right and authority to enter such licensed places to search and seize evidence therein as herein provided. (1960 Comp. Ords., § 19-102.)

Sec. 15-3. Term; expiration date; proration of fee.

(a) All licenses referred to in this chapter shall expire at midnight of December 31 next after payment of the license fee. The license fee shall be due on January 1 of each year and must be paid within thirty days thereafter. No license shall be issued for any period of time longer than one year.

(b) The license fee on any business or occupation, except on retail or limited liquor licenses, beginning operations after date of June 30 of every year, shall pay one-half of the regular license fee. (1960 Comp. Ords., § 19-103.)

Sec. 15-4. Contents.

Every license issued under the provisions of this chapter shall show upon its face:

(a) The name of the person to whom issued.

(b) Kind of business,

(c) Time for which issued.

(d) Place where business is to be carried on.

(e) That such license is not transferable, except on council action. (1960 Comp. Ords., § 19-104.)

Sec. 15-5. Posting; Duty of licensee to show license.

Every license issued under this chapter shall be posted many place of business in such place as is conspicuous. It shall be the duty of the licensee to show the same at any proper time when requested to do so by any police officer, the mayor, any member of the city council or any city employee charged to collect the license fee. (1960 Comp. Ords., § 19-105.)

Sec. 15-6. License officer--Definition; duties generally.

The license officer is defined as the chief of police or any authorized member of the police department, who shall make all investigations necessary to the enforcement of this Code and any other ordinances of the city relating to the licensing of businesses and occupations, including retail and limited liquor licensees. (1960 Comp. Ords., § 19-107.)

Sec. 15-7 Same--Authority to make inspections.

The license officer is authorized to conduct inspections in the manner prescribed herein. (1960 Comp. Ords., § 19-106,)

Sec. 15-8 Authority generally of inspectors.

All persons authorized herein to inspect licensees and businesses shall have the authority to enter, with or without search warrant, at all reasonable times, the following premises:

(a) Those for which a license is required.

(b) Those for which a license was issued, and which, at the time of inspection, are operating under such license.

(c) Those for which the license has been revoked or suspended. (1960 Comp. Ords., § 19-108.)

Sec. 15-9. Reports of inspectors.

Persons inspecting licensees, their businesses, or premises as herein authorized shall report all violations of this chapter, this Code or of any other laws or ordinances of the city relating to the licensing of businesses or occupations to the license officer

and shall submit such other reports as the license officer shall order. (1960 Comp. Ords., § 19-109.)

Sec. 15-10 Issuance of provisional order to comply.

When an inspector has reported the violation of this chapter, this Code or any other ordinances of the city relating to the licensing of businesses and occupations, the license officer shall issue to the affected person a provisional order to comply. (1960 Comp. Ords., § 19-110.)

Sec. 15-11. Service of notice to comply.

The provisional order, and all other notices issued in compliance with this chapter, shall be in writing, shall be personally served and shall apprise the person affected of his specific violations. In the absence of the person affected or his agent or employee, a copy of such notice shall be affixed to some structure on the premises. Depositing such notice by registered or certified mail shall constitute service thereof. (1960 Comp. Ords., § 19-111.)

Sec. 15-12. Period of compliance with provisional order.

The provisional order referred to in this article shall require compliance within five days after personal service on the affected person. (1960 Comp. Ords., § 19-112.)

Sec. 15-13. Hearing before expiration of compliance time.

Upon written application by the person affected before the expiration of the five-day period for compliance, the license officer shall order a hearing. Notice of such hearing shall be given the affected person in the manner prescribed herein. (1960 Comp. Ords., 19-113.)

Sec. 15-14. Modifying authority of license officer.

Upon written application, or on his own motion, the license officer shall have the authority, in a proper case, to extend the time for compliance, to grant a new hearing date, and to change, modify or rescind any recommendation or order. (1960 Comp. Ords., § 19-114.)

Sec. 15-15. Failure or refusal to comply with provisional order.

Upon the failure or refusal of the violator to comply with the provisional order or with any order made after hearing, the license officer shall then declare and make the provisional order final. (1960 Comp. Ords., § 19-115.)

Sec. 15-16. Suspension or revocation by license officer.

The license officer shall have the authority to suspend or revoke licenses upon making and declaring a provisional order final. (1960 Comp. Ords., § 19-116.)

Sec. 15-17. Effect of revocation or suspension.

Upon revocation or suspension of licenses, no refund of any portion of the license fee shall be made to the licensee and he shall immediately cease all business at all places under such license. (1960 Comp. Ords., § 19-117.)

Sec. 15-18. Summary action by license officer--Authority to revoke, etc.

When the conduct of any licensee, agent or employee is so inimical to the public health, safety and general welfare as to constitute a nuisance and thus give rise to an emergency, the license officer shall have the authority to summarily order the cessation of business and the close of the premises or suspend or revoke the license. (1960 Comp. Ords., § 19-118.)

Sec. 15-19. Same--Hearing.

Unless waived in writing, within two days after he has acted summarily, the license officer shall conduct a special hearing for such action in respect to the summary order as may be therein determined. Notice of such hearing shall be given the affected person in the manner prescribed in section 15-11. (1960 Comp. Ords., § 19-119.)

Sec. 15-20. Appeal from decision by license officer--To mayor and council.

Any person aggrieved by any decision of the license officer after hearing shall have the right of appeal to the mayor and council by filing a written appeal with the city clerk within five days following the effective date of the action or decision complained of. (1960 Comp. Ords., § 19-120.)

Sec. 15-21. Same--Contents of appeal.

The appeal referred to in section 15-20 shall set out a copy of the order or decision appealed from and shall include a statement of facts relied upon to avoid such order. (1960 Comp. Ords., § 19-121.)

Sec. 15-22. Same--Notification of license officer.

At the time of filing the appeal referred to in this article a copy thereof shall be filed by the appellant with the license officer. (1960 Comp. Ords., § 19-122.)

Sec. 15-23. Same--Hearing.

The city clerk shall fix a time and place for hearing the appeal referred to in this article, the same to be heard by the mayor and council in the council room in the city hall at a time not less than five days nor more than thirty days from the date of filing of the appeal with the city clerk. Written notice as provided herein shall be personally served upon the appellant informing him thereof by the license officer. The city clerk

shall also give such notice to the license officer and such officer shall be entitled to appear and defend such order. (1960 Comp. Ords., § 19-123.)

Sec. 15-24. Same--Effect of decision; service of copy on appellant.

The findings of the mayor and council on the appeal made under the provisions of this article shall be final and conclusive and a copy thereof shall be personally served upon the appellant as required herein, and in the event personal service cannot be obtained same can be mailed to appellant by registered or certified mail at his last known address. (1960 Comp. Ords., § 19-124.)

Sec. 15-25. Collection of unpaid license fees.

(a) The amount of any unpaid license fee, the payment of which is required by this chapter, this Code or any other ordinance of the city, shall constitute a debt due the city.

(b) The city attorney shall, at the direction of the license officer, institute civil suit in the name of the city to recover any such unpaid license fee. (1960 Comp. Ords., § 19-125.)

Chapter 16

MOBILE HOMES AND MOBILE HOME PARKS

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Article II In General

Sec. 16-1. Definitions.

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

Accessory structure. Any structural addition to the mobile home which includes awnings, cabanas, carports, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures.

Building. A roof structure erected for permanent use.

Common area. Any area or space designed for joint use of tenants occupying mobile home developments.

Community system. (Water--Sewerage). A central system which serves all living units and is not publicly owned.

Density. The number of mobile homes and mobile home stands per gross acre.

Driveway. A minor private way used by vehicles and pedestrians on a mobile home lot or for common access to common facilities.

Dwelling. Same as living unit.

Easement. A vested or acquired right to use land other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds title to the land.

Enforcing agency. The city or its building official or other agencies of the city charged by law with the duty to enforce the provisions of this chapter.

Health authority. The state of Wyoming Department of Environmental Quality, its authorized representative of the appropriate political subdivision.

Housing. Living units, dwellings and/or other structures that shelter or cover.

License. A written document issued by the enforcing agency allowing a person to operate and maintain a mobile home development under the provisions of this chapter.

Living unit. A residential unit providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation.

Lot area. The total area reserved for exclusive use of the occupants of a mobile home.

Lot line. A line bounding the lot as shown on the accepted plot plan.

Mobile home. Manufactured relocatable housing.

Mobile home community. A body of people living in a mobile home development.

Mobile home community management. The person who owns or has charge, care or control of the mobile home development.

Mobile home development. A contiguous parcel of land which has been planned and improved for the placement of mobile homes.

Mobile home lot. A parcel of land for the placement of a mobile home and the exclusive use of its occupants.

Mobile home stand. That part of an individual mobile home lot which has been reserved for the placement of a mobile home.

Natural or artificial barrier. A six foot solid fence or a visual barrier at least six feet high of shrubs or other vegetation.

Nonconforming mobile home development. Any mobile home development that is not fully in compliance with the requirements of this chapter.

Occupied area. That area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.

Permanent building. A building, except a mobile home accessory structure.

Permit. A written document issued by the enforcing agency permitting the construction, alteration or expansion of a mobile home development.

Person. Any individual, firm, trust, partnership, public or private association or corporation.

Plat. Any map, plan or chart of a city, town, section or subdivision, indicating the location and boundaries of individual properties.

Plot. A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

Power supply assembly. The conductors, including the grounding conductors, insulated from one another, the connectors, attachment plug caps, and all other fittings, grommets, or devices installed for the purpose of delivering energy from the service equipment to the distribution panel within the mobile home.

Private street. A private way which affords principal means or access to abutting individual mobile home lots and auxiliary buildings.

Private system. (Water--Sewerage). A system which is constructed, owned and operated by the mobile home community management which is controlled by the health authority as herein defined.

Property. A plot with any buildings or other improvements located thereon.

Property line. A recorded boundary of a plot.

Public street. A public way which affords principal means of access to abutting properties.

Public system. (Water--Sewerage). A system which is owned and operated by the local governmental authority or by an established public utility company which is adequately controlled by a governmental authority. Such systems are usually existing systems serving a municipality, a township, an urban county, or a water or sewer district established and directly controlled under the laws of a state.

Rights-of-way. The area, either public or private, over which the right of passage exists.

Service building. A building housing toilet, lavatory and such other facilities as may be required by this regulation.

Service equipment. The necessary equipment, usually consisting of circuit breaker or switch and fuses and their accessories located near the point of entrance of supply conductors to or in a building or mobile home and intended to constitute the main control and means of cutoff for the supply to that mobile home or building.

Sewer connection. A connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home development.

Sewer riser pipe. That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.

Shall. Indicates that which is required.

Should. Indicates that which is recommended but not required.

Site. A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

Water connection. A Connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distributing system within the mobile home.

Water riser pipe. That portion of the water supply system serving the mobile home development which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot. (Ord. No. 84-9, § 16-1.)

Article II Administration and Compliance

Sec. 16-2. Permit--Required.

It shall be unlawful for any person to construct, alter or extend any mobile home development within the limits of Cody unless he holds a valid permit issued by the enforcing agency in the name of such person for the specific construction, alteration or extension proposed. (Ord. No. 84-9, § 1(2.1.1).)

Sec. 16-3. Permit--Application requirements.

All applications for permits shall contain the following:

(a) Name and address of applicant.

(b) Location and legal description of the mobile home development.

(c) A plan prepared by a Wyoming Registered Engineer and Land Surveyor of the proposed development showing, but not limited to the following:

(1) The area and dimensions of the tract of land;

(2) The lot number, location, and size of all mobile home lots, and recreation areas;

(3) The location and width of existing and proposed streets and walkways and same shall be in compliance with any master plan of the city;

(4) The location of existing and proposed water and sewer lines and riser pipes;

(5) A vicinity sketch or key map at a scale of not more than four hundred feet to the inch shall be shown on or accompany the proposed plan. This map shall show all existing subdivisions, streets, tract lines of acreage parcels together with the names of the record owners of parcels of land immediately adjoining the proposed mobile home development and between it and the nearest existing

thoroughfares. It shall also show how streets and alleys in the proposed mobile home development may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property, to produce the most advantageous development of the entire neighboring area;

(6) North direction and scale shall be shown, the scale upon the detail map shall not exceed one hundred feet to the inch;

(7) Contours referenced to the city's primal bench mark shall be shown with a minimum interval of two feet;

(8) The location of all existing and proposed utilities within the parcel and immediately adjacent thereto with all details and locations indicated;

(9) The refuse collection system. (Ord. No. 84-9, § 1(2.1.2).)

Section 16-4 Permit application -- Review and Investigation

The building official shall review the plan, investigate the application and the site for compliance with this chapter and other applicable regulations and report the findings and recommendations to the planning and zoning commission. The cost of the review and investigation shall be borne by the applicant and the rate shall be the inspection fee of the currently adopted edition of the International Building Code for special inspections. The planning and zoning commission shall review the site, location, design, layout and the building official's recommendation and shall recommend to the city council to allow or not allow the mobile home park. After approval by the city council, the applicant shall proceed with the requirements of section 16-5 of this chapter. (Ord. No 84-9, §1(2.1.3).)

Sec. 16-5. Plans and specifications requirements.

The applicant shall provide the following:

(a) Plans and specifications of the water supply and sewage disposal facilities that have been prepared by a Wyoming Registered Engineer and approved by the health authority;

(b) Plans and specifications of all buildings constructed or to be constructed within the mobile home development. (Ord. No. 84-9, § 1(2.1.4).)

Sec. 16-6. Permit issuance.

When, upon review of the application, plans and specifications, the enforcing agency is satisfied that the proposed plan meets the requirements of this chapter, a permit shall be issued. (Ord. No. 84-9, § 1(2.1.5).)

Sec. 16-7. Construction inspection.

The mobile home community management shall retain a Wyoming Registered Engineer to inspect the construction, alteration or extension allowed by the permit. The engineer shall provide the enforcing agency with daily logs of construction activities and required materials testing results. Upon completion the engineer shall furnish the enforcing agency a reproducible set of "as constructed" plans and specifications and his certificate of construction pursuant to the approved plans and specifications. (Ord. No. 84-9, § 1(2.1.6).)

Sec. 16-8. Permit denial--Hearing.

Any person whose application for a permit under this chapter has been denied may request and shall be granted a hearing on the matter before the enforcing agency under the procedure provided by sections 16-19 through 16-22 of this chapter. (Ord. No. 84-9, § 1(2.1.7).)

Sec. 16-9. Repealed by Ordinance No. 87-1.

Sec. 16-10. Repealed by Ordinance No. 87-1.

Sec. 16-11. Repealed by Ordinance No. 87-1.

Sec. 16-12. Repealed by Ordinance No. 87-1.

Sec. 16-13. Conditions or practices; violations.

Whenever, upon inspection of any mobile home community constructed after the effective date of this chapter, the enforcing agency finds that conditions or practices exist which are in violation of this chapter, the enforcing agency shall give notice in writing in accordance with section 16-19 to the person to whom the permit was issued or the present owner that such conditions or practices are corrected within a reasonable period of time specified in the notice by the enforcing agency. At the end of such period, the enforcing agency shall reinspect such mobile home community and, if such conditions or practices have not been corrected, he may issue a complaint for such violation. (Ord. No. 84-9 § 1 (2.2.5); Ord. No. 87-1, § 3.)

Sec. 16-14. Existing nonconforming mobile home developments.

All mobile home development existing as of the effective date of this chapter not meeting the requirements of this chapter shall be declared nonconforming by the enforcing agency and shall not be permitted to add spaces or make any improvements inconsistent with the terms and conditions of this chapter. Any such nonconforming mobile home developments which discontinue operating shall not reopen until the conditions of this chapter shall have been complied with. (Ord. No. 84-9 § 1(2.2.6); Ord. No. 87-1, § 3.)

Sec. 16-15. Inspection of mobile home communities.

The enforcing agency is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter. (Ord. No. 84-9, § 1(2.3.1).)

Sec. 16-16. Inspection--Private or public property access.

The enforcing agency shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter. (Ord. No. 84-9, § 1(2.3.2).)

Sec. 16-17. Register inspection.

The enforcing agency shall have the power to inspect the register containing a record of all residents of the mobile home community. (Ord. No. 84-9, § 1(2.3.3).)

Sec. 16-18. Access--Repairs or alterations.

It shall be the duty of every resident of a mobile home community to give the management thereof, or his designated agent access to any part of such mobile home development at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter. (Ord. No. 84-9, § 1(2.3.4).)

Sec. 16-19. Notices, hearings and orders.

Whenever the enforcing agency determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the enforcing agency shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall (a) be in writing;

(b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the owner or his agent as the case may require, provided, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the laws of this state; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter. (Ord. No. 84-9, § 1(2.4.1).)

Sec. 16-20. Notice--Hearing.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, may request and shall be granted a hearing on the matter before the enforcing agency, provided, that such person shall file in the office of the enforcing agency a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under section 16-22. Upon receipt of such petition, the enforcing agency shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed, provided, that upon application of the petitioner the enforcing agency may postpone the date of the hearing for a reasonable time beyond such ten-day period when in his judgment the petitioner has submitted good and sufficient reasons for such postponement. (Ord. No. 84-9, § 1(2.4.2).)

Sec. 16-21. Hearing--Findings.

After such hearing the enforcing agency shall make findings as to compliance with the provisions of this chapter and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in section 16.19(d). Upon failure to comply with any order sustaining, modifying or withdrawing a notice, the general penalty provision of section 1-11 of chapter 1 of this city code shall be applicable. (Ord. No. 84-9, § 1(2.4.3); Ord. No. 87-1, § 3.)

Sec. 16-22. Emergency orders.

Whenever the enforcing agency finds that an emergency exists which requires immediate action to protect the public

health, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the enforcing agency shall be afforded a hearing as soon as possible. The provisions of section 16-21 shall be applicable to such hearing and the order issued thereafter. (Ord. No. 84-9, § 1(2.4.4).)

Sec. 16-23. Exemptions.

Where the enforcing agency finds that compliance with provisions of this chapter would result in undue hardship, an exemption may be granted by the enforcing agency without impairing the intent and purpose of this chapter. Deviations from design, construction and installation provisions shall be brought into compliance within one of two periods of time. Either a period of time hereinafter referred to as a "minimum period" not to exceed five years or a period of time hereinafter referred to as a "maximum period" not to exceed twenty-five years. Factors to be considered in determining the length of time and the given period in which to correct any deviation in and from standards shall include but not be limited to the economic feasibility of improvement, nature, significance and extent of the deviation, depreciation of materials, improvements, the existing layout, and other similar factors. (Ord. No. 84-9, § 1(2.5.1).)

Sec. 16-24. Exemptions--Correction period commencement.

Such period shall begin after the enforcing agency has given notice of a certain and specific deviation from this chapter to the person to whom the permit or certification was issued. (Ord. No. 84-9, § 1(2.5.2).)

Sec. 16-25. Gradual improvements.

Gradual improvements to a higher degree of conformity shall be permissive provided, that, there shall be complete conformity at the end of a period prescribed by the enforcing agency. (Ord. No. 84-9, § 1(2.5.3).)

Sec. 16-26. Variances.

When it is shown that there are extraordinary hardships because of the complete and strict compliance with this chapter, the city council shall have the power to vary the requirements

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of this chapter so that there is substantial compliance in harmony with the general purposes and intent of the chapter and the public interest is still served. Before any such variance is granted, it shall be determined that same will not be injurious to the neighborhood or otherwise detrimental to the public welfare. (Ord. No. 84-9, § 1(2.5.3).)

Article III Development Standards

Sec. 16-27. Environmental, open space, and access requirements--Generally.

(a) A mobile home development shall be located only upon property zoned a mobile home F-l district by the appropriate public planning agency and shall have a minimum of two acres of land.

(b) No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

(c) Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to predictable sudden flooding, or erosion and shall not be used for any purpose which would expose persons or property to hazards. (Ord. No. 84-9, § 1(3.1.1).)

Sec. 16-28. Provision of site planning improvements.

Site planning improvements shall provide for:

(a) Facilities and amenities appropriate to the needs of the occupants.

(b) Safe, comfortable and sanitary use by the occupants under all weather conditions.

(c) Practical and efficient operation and maintenance of all facilities at reasonable costs. (Ord. No. 84-9, § 1 (3.1.2).)

Sec. 16-29. Density.

(a) (a) The maximum density of mobile homes shall be regulated by separation requirements, occupied lot area ratios

(b) and recreation area requirements as set forth in this standard. Density will vary considerably in accommodating different sizes of mobile home units with its accessory structures used in the locality and in the type of layout proposed.

(c) No mobile home shall be located closer than twenty feet from any other mobile home or permanent building within the mobile home development.

(d) Mobile home stands shall not occupy an area in excess of one-third of the respective lot area. The accumulated occupied area of the mobile home and its accessory structures on a mobile home lot, shall not exceed two-thirds of the respective lot area. (Ord. No. 84-9, § 1(3.1.3).)

Sec. 16-30. Recreation area.

Not less than eight percent of the gross site area shall be devoted to recreational facilities, generally provided in a central location. Recreation areas may include parks, playgrounds, space for community buildings and community use facilities, such as indoor recreation areas, swimming pools, hobby shops and service buildings. If construction of developments is in stages, then recreation areas shall be proportionately developed. (Ord. No. 84-9, § 1(3.1.4).)

Sec. 16-31. Required setbacks, buffer strips and screening.

(a) All mobile homes shall be located at least twenty-five feet from any park property boundary line abutting upon a public street or highway and at least ten feet from other park property boundary lines.

(b) There shall be a minimum distance of ten feet between the mobile home stand and the abutting park street.

(c) All mobile home developments located adjacent to industrial or commercial land uses shall be provided with screening such as fences or natural growth along the property boundary line separating the development and such adjacent nonresidential uses. (Ord. No. 84-9, § 1(3.1.5).)

Sec. 16-32. Streets.

(a) Entrance streets. Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of one hundred feet from its point of beginning.

(b) Circulation. The street system should provide convenient circulation by means of residential streets and properly located collector streets. Dead-end streets shall be limited in length to five hundred feet and their closed end shall be provided with an adequate turn-around. (Eighty feet diameter cul-de-sac.)

(c) Pavement widths. Pavements should be of adequate widths to accommodate the contemplated parking and traffic load in accordance with the type of street with ten feet minimum moving lanes and eight feet minimum lane for parallel parking, and in all cases shall meet the following minimum requirements:

(1) Collector streets and residential streets:
twenty-eight feet.

(2) Street widths are from back to back of curb.

(d) Street grades. Grades of all streets shall be sufficient to insure adequate surface drainage, but should not be more than eight percent.

(e) Intersections. Street intersections should generally be at right angles. Off-sets at intersections and intersections of more than two streets at one point should be avoided.

(f) Extent of improvements. All streets shall be constructed with materials and thicknesses that comply with city standards and specifications. The streets shall have curb and gutter on both sides.

(g) Street lights. Lighting shall be designed to produce a minimum of 0.1 footcandle throughout the street system. Potentially hazardous locations, such as major street intersections and steps or stepped ramps shall be individually illuminated with a minimum of 0.3 footcandle. (Ord. No. 84-9, § 1(3.1.6).)

Sec. 16-33. Walks.

(a) Sidewalks shall be provided on both sides of residential streets and on the side of collector streets that are adjacent to mobile homes.

(b) Sidewalks shall be constructed to city standards and specifications. (Ord. No. 84-9, § 1(3.1.7).)

Sec. 16-34. Mobile home lots.

(a) General. The limits of each mobile home lot should be marked on the ground by suitable means. Location of lot limits on the ground should be the same as shown on accepted plans. A lot shall have a minimum of four thousand square feet.

(b) Mobile home stands. The mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the structure. Anchors or tie-downs, if provided, such as cast-in-place concrete "dead men," eyelets imbedded in concrete screw augers or arrow head anchors shall be placed at least at each corner of the mobile home stand and each device shall be able to sustain a minimum load of four thousand eight hundred pounds.

(c) Driveways. Improved driveways should be provided on lots where necessary for convenient access to mobile homes. The minimum width shall be ten feet.

(d) Parking spaces. The design criteria for automobile parking shall be based upon two parking spaces for each mobile home lot. Parking may be in tandem.

(e) Outdoor living area. Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than three hundred square feet.

(f) Accessory structures. Accessory structures remain per definition dependent upon the mobile home and shall not be used as complete independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be erected, constructed or occupied on a mobile home lot as directed by the management of the mobile home development, as required by applicable national, state or local standards and as specified hereon:

(1) Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home development.

(2) Accessory structures shall not obstruct required openings for light and ventilation of the mobile home and shall not prevent inspection of mobile home equipment and utility connections.

(3) Construction and electrical installations shall comply with city standards and specifications.

(4) Electrical circuits supplying the accessory structure shall be independent of the circuit supplying the mobile home. (Ord. No. 84-9, § 1(3.1.8).)

Sec. 16-35. Water supply and distribution system.

(a) General requirements. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the health authority.

(b) Water distribution system.

(1) Public distribution systems intended to be operated and maintained by the enforcing agency shall be constructed in accordance with standards and specifications of the enforcing agency.

(2) Private distribution systems intended to be operated and maintained by the mobile home community management shall be constructed in accordance with the standards and specifications of the health authority.

(3) Fire hydrants shall be located within two hundred fifty feet of any mobile home, service building or other structure in the development.

(c) Individual water riser pipes and connections.

(1) Individual water riser pipes shall be located within the area of the mobile home stand and approximately thirty feet from the front of such stand.

(2) Water riser pipes shall extend at least four inches above ground elevation. The pipe diameter shall be at least three-quarter inch. The water outlet shall be capped when a mobile home does not occupy the lot.

(3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

(4) A shutoff valve below the frost line shall be provided near the water riser pipe on each mobile home lot. (Ord. No. 84-9, § 1(3.2.1).)

Sec. 16-36. Sewerage disposal.

(a) General requirements. An adequate and safe sewerage system shall be provided in all mobile home developments for conveying and disposing of all sewage. Wherever feasible, connection shall be made to a public system.

(b) Sewerage systems.

(1) Public sewerage systems intended to be operated and maintained by the enforcing agency shall be constructed in accordance with standards and specifications of the enforcing agency.

(2) Private sewerage systems intended to be operated and maintained by the mobile home community management shall be constructed in accordance with the standards and specifications of the health authority.

(c) Individual sewer connections.

(1) Each mobile home stand shall be provided with a four-inch diameter sewer riser pipe. The sewer riser pipe shall be located within the area of the mobile home stand, and approximately forty feet from the front of such stand.

(2) Provisions shall be made for sealing the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

(d) Sewerage treatment and/or discharge. Where the sewer lines of the mobile home development are not connected to a public sewer, all proposed sewage disposal facilities shall be private, and constructed and operated by the mobile home community management and shall be approved by the health authority prior to construction. Effluents from sewage treatment facilities shall be discharged only as permitted by the health authority. (Ord. No. 84-9, § 1(3.2.2).)

Sec. 16-37. Solid waste collection system.

A design for solid waste collection system shall be submitted by the mobile home community management to the enforcing agency with the initial application for a permit.

Same shall be reviewed and approved by the enforcing agency before the system is implemented. (Ord. No. 84-9, § 1(3.2.3).)

Sec. 16-38. Electrical distribution system.

The electrical distribution system shall be designed, constructed and operated in accordance with the applicable standards, specifications, and regulations of the enforcing agency. (Ord. No. 84-9, § 1(3.2.4).)

Sec. 16-39. Gas distribution system.

(a) General. Gas equipment and installations within a mobile home development shall be designed and constructed in accordance with the applicable codes adopted by the supplying public utility company, which are on file with the Wyoming Public Service Commission and a copy on file at the utility company's local office.

(b) Required gas supply. Gas piping shall be sized so as to assure an adequate supply of gas to each mobile home unit. All underground piping shall be, when required, black steel pipe of not less than standard weight (Schedule 40), coated and wrapped (with approved wrap).

(c) Installation. All gas piping installed below ground shall have a minimum earth cover of twenty-four inches. Gas piping shall not be installed under any mobile home.

(d) System shutoff valve. A readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system shall be installed near to point of connection to the service piping or supply connection of the liquefied petroleum gas tank.

(e) Mobile home lot shutoff valve. Each mobile home lot shall have an approved gas shutoff valve installed upstream of the mobile home lot gas outlet and located on the outlet riser at a height of not less than four inches above grade. Such valve shall not be located under any mobile home. Whenever the mobile home lot outlet is not in use, the outlet shall be equipped with an approved cap or plug to prevent accidental discharge of gas.

(f) Mobile home connector. Each mobile home shall be connected to the mobile home lot outlet by an approved three-quarter-inch mobile home connector not more than six feet in length. Approved pipe and fittings may be used between the flexible connector and the mobile home lot gas outlet when the distance between the mobile home lot gas outlet and

the mobile home gas service connection exceeds that required to make a safe installation with only a mobile home connector.

(g) Mechanical protection. All gas outlet risers, regulators, meters, valves or other exposed equipment shall be protected from mechanical damage by vehicles or other causes.

(h) The mobile home gas connection shall be installed at the edge of the mobile home stand, approximately thirty feet from the front of such stand; and located as not to terminate beneath the mobile home. (Ord. No. 84-9, § 1 (3.2.5).)

Article IV Community Maintenance Standards

Sec. 16-40. Management--Responsibilities.

The person to whom a license for a mobile home community is issued shall provide adequate supervision to maintain the community in compliance with this chapter and keep its facilities and equipment in good repair and in a clean and sanitary condition. (Ord. No. 84-9, § 1(4.1.1).)

Sec. 16-41. Management--To notify residents of duties.

The management shall notify the community residents of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter. (Ord. No. 84-9, § 1(4.1.2).)

Sec. 16-42. Management--Mobile home placement supervision.

The management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections. (Ord. No. 84-9, § 1(4.1.3).)

Sec. 16-43. Management--Register maintenance.

The management shall maintain a register containing the names of all community residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the community. Each lot shall have a sign conspicuously placed that indicates the number of the lot. (Ord. No. 84-9, § 1(4.1.4).)

Sec. 16-44. Park director--Lots to be numbered or lettered.

At the entrance of each mobile home park a directory, approved by the city planning and zoning commission, shall

be erected and maintained at all times in good order and repair. Each lot shall be numbered or lettered in a conspicuous manner pursuant to the specifications and requirements set forth and delineated by the city. (Ord. No. 84-9, § 1(4.1.5).)

Sec. 16-45. Residents--Responsibilities.

The resident shall comply with all applicable requirements of this chapter and shall maintain his mobile home lot, its facilities and equipment in good repair and in clean and sanitary condition. (Ord. No. 84-9, § 1(4.2.1).)

Sec. 16-46. Residents--Mobile home placement compliance.

The resident shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the management. (Ord. No. 84-9, § 1(4.2.2).)

Sec. 16-47. Pets.

Pets, if permitted in the community, shall be prohibited to run at large or to commit any nuisance within the limits of any mobile home lot. (Ord. No. 84-9, § 1(4.2.3).)

Sec. 16-48. Skirtings, porches, awnings and additions.

Skirtings, porches, awnings, and other additions shall be installed only if permitted and approved by the management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the management. If permitted, the following conditions shall be satisfied:

(a) The storage area shall be provided with a base of impervious material.

(b) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.

(c) The storage area shall be enclosed by skirting. (Ord. No. 84-9, § 1(4.2.4).)

Sec. 16-49. Rubbish and garbage storage and disposal.

The resident shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent-proof, insect-proof and water-tight. (Ord. No. 84-9, § 1(4.2.5).)

Sec. 16-50. Fire extinguishers.

First aid fire extinguishers for class A, B and C fires are recommended to be kept at the premises and maintained in working condition. (Ord. No. 84-9, § 1(4.2.6).)

Chapter 17

MOTOR VEHICLES AND TRAFFIC*

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§ 17-47. Unlawful operation of vehicle by youthful driver with detectable alcohol concentration; penalty.
§ 17-48. through § 17-52. Repealed.

* For state law as to authority of city regarding traffic on highways, see W.S., 1977, §§ 31-5-109 to 31-5-111, 31-5-303, 31-5-304, 31-5-401, 31-5-503, 31-5-511. For provisions making this chapter applicable to the riding of bicycles, see § 6-13 of this Code. As to vehicle traffic at the Municipal Airport, see § 18-16.

Article I In General

Sec. 17-1. Definitions.*

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

School zone restrictions. Restrictions in school zones when "children are present" is defined as being any

time when school is in session or at such times as there shall be school activities or civic gatherings after regular school hours which involve school age children being present in the school zone. (1960 Comp. Ords., § 17-134; Ord. No. 73-2, § 1; Ord. No. 80-4, § 1.)

* For state law definitions, see W.S., 1977, § 31-5-102.

Sec. 17-2. Adoption of Uniform Act Regulating Traffic on Highways.*

Chapter 5, Sections 31-5-101 through and including 31-5-1507 of Wyoming Statues, 1977, as amended through 2002, being the Uniform Act Regulating Traffic on Highways, are hereby adopted by reference and incorporated in this section as part of this Code as fully as if completely set out in full herein. One copy of this provision shall be kept on file in the office of the city clerk for examination and inspection by the public. (1960 Comp. Ords., § 17-1011; Ord. No. 80-4, § 1; Ord. No. 82-17, § 1; Ord. No. 2002-12, § 1.)

* For state law authorizing city to adopt state traffic laws by reference, see W.S., 1977, § 15.1-120.

Sec. 17-3. Authority to regulate or control traffic.

The mayor and/or the chief of police shall have the authority to control and regulate all traffic and motor vehicles by placement of signs and traffic-control devices and the designation of through streets and other designations in conformity with the provisions of this chapter. (Ord. No. 80-4, § 1.)

Sec. 17-4. Obedience to chapter.*

It shall be a violation of this chapter for any person to do any act forbidden or fail to perform any act required in this chapter. (1960 Comp. Ords., § 17-202; Ord. No. 80-4, § 1.)

* For similar state law, see W.S., 1977, § 31-5-104.

Sec. 17-5. Authority of police and fire department officials generally.

(a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police, to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.

(b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. (1960 Comp. Ords., § 17-201; Ord. No. 80-4, § 1.)

Sec. 17-6. Duties of drivers in event of accidents.*

(a) Duties in event of accident involving person or vehicle. The driver of any vehicle involved in an accident resulting in the injury or death of any person or damage to any property in any amount shall immediately stop such vehicle at the scene of the accident, and shall give his name, address, license number and the registration number of his vehicle to the person struck or to the driver or occupant of any vehicle collided with, and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangements for the carrying of such persons to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person. Any person failing to stop or comply with such requirements under such circumstances shall be guilty of a misdemeanor.

(b) Striking fixtures or property upon or adjacent to a highway or street. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other public or private property upon, contiguous or adjacent to a highway, alley, street or other right-of-way within the corporate limits of the city, shall stop and take immediate and reasonable steps to locate and notify the owner or person in charge of such property of such fact, and of his name and address and of the license number and registration numbers of the vehicle he is driving, and shall, upon request and if available, exhibit his operator's or chauffeur's license and shall make report of such accident

* For state law as to accidents, see W.S., 1977, § 31-5-1101 et seq.

immediately by the quickest means of communication to the police department. (1960 Comp. Ords., § 17-214; Ord. No. 424; Ord. No. 80-4, § 1.)

Sec. 17-7. Use of coasters, roller skates and similar devices restricted.

No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. (1960 Comp. Ords., § 17-204; Ord. No. 80-4, § 1.)

Sec. 17-8. Driver's license, vehicle license plates and liability insurance required.

(a) It is unlawful for any person to drive a motor vehicle upon the streets and highways of the city unless such person has a valid driver's license issued by the state for the type or class of vehicle being driven, unless otherwise exempt by Wyoming Statutes Section 31-7-107. It shall be a violation of this provision if a person drives a motor vehicle when his privilege to do so under his license has been cancelled, suspended or revoked.

(b) Every device in, upon or by which any personal property is or may be transported or drawn upon a public highway, excepting devices moved by human power, shall have license plates as required by Chapter 4 of Title 31 of the Wyoming Statutes 1977, and for motor vehicles shall be conspicuously displayed and securely fastened in such a manner as to be plainly visible, one on the front, except for motorcycles, trailers and house trailers, and one on the rear of every such motor vehicle. Such plates shall be secured so as to prevent swinging and shall, except for motorcycles, be attached in a horizontal position at a minimum height of twelve inches from the ground and shall be maintained free from foreign materials and in a condition to be clearly legible.

(c) No owner of a motor vehicle required to be registered or/and licensed as required by Chapter 4 of Title 31 of the Wyoming Statutes, 1997, shall operate or permit the operation of his motor vehicle without having in full force and effect a motor vehicle liability policy in amounts provided by W.S. 31-9-405(b) or a bond in the amounts provided by W.S. 31-9-102(a)(xi). Excusable neglect or mistake by another is a defense for any violation of this subsection. If evidence of excusable neglect or mistake by another is presented and the defendant is convicted, the court may consider this evidence in imposing a penalty under this subsection. The judge may suspend part or all of the sentence under this subsection and place the defendant on probation subject to the conditions imposed by the judge which may include a condition that the defendant shall deliver the registration and license plates of the vehicle involved to the county treasurer for the county where the citation was issued. This subsection does not

apply to a vehicle owned by a non-resident and registered in a state requiring insurance if a vehicle insurance policy meeting requirements of the laws and regulation of that state is in effect or unless it otherwise complies with the law of that state concerning compulsory financial responsibility. A vehicle owned by a non-resident and registered in a state not requiring insurance is exempt from this subsection. Any operator or owner of a motor vehicle required to be registered who is not able to demonstrate that they have in full force and effect motor vehicle liability insurance policy in the amounts required above, may be charged with violating this ordinance. (1960 Comp. Ords., § 17-218; Ord. No. 69-7; Ord. No. 80-12, § 1; Ord. No. 97-3, § 1.)

Sec. 17-9. Damaging motor vehicles; throwing rocks, etc., at vehicles or passengers; tampering, etc., with traffic-control devices.

It shall be unlawful for any person not the owner or operator thereof, to tamper, meddle or interfere with any vehicle, or to start or attempt to start the machinery thereof while the same is standing still, or to puncture or otherwise mutilate the tires, or to scratch, mark or otherwise deface the body or the apparatus thereof, or to take or remove from such vehicle any part or portion of the machinery, equipment or other portion thereof, or to throw, cast or hurl any stone, rock, snowball, glass or other missile at any vehicle or the occupants thereof. It shall be unlawful for any person to remove or to tamper, meddle or interfere with any traffic sign or painted, drawn or established line, constructed or maintained under the provisions of this chapter. (1960 Comp. Ords., § 17-221; Ord. No. 80-4, § 1.)

Sec. 17-10. Bus regulations.

All motor buses shall start from and return to stations designated by the chief of police, by and with the consent of the street commissioner, and no other vehicle may occupy such stations. All stops for taking on and letting off passengers will be made on the near side of the street and all such stops shall be made as close to the right hand curb as conditions permit. (1960 Comp. Ords., § 17-222; Ord. No. 80-4, § 1.)

Sec. 17-11. Racing of engine, etc.

It shall be unlawful for the operator of any vehicle in the city to unnecessarily race his engine or backfire same or cause any unnecessary engine noise. (1960 Comp. Ords., § 17-803; Ord. No. 80-4, § 1.)

Sec. 17-12. Procedure when getting out of car on left-hand side.

Any person emerging from the left-hand or driver's side of any motor vehicle into the line of traffic must not do so without exercise of caution and persons so emerging must give the right-of-way to approaching vehicles in the line of traffic. (1960 Comp. Ords., § 17-812; Ord. No. 80-4, § 1.)

Sec. 17-13. Permits required for certain parades and processions.*

No funeral, procession or parade containing two hundred or more persons, fifty or more vehicles, excepting the forces of the United States Army or Navy, the military forces of this state and the forces of the police and fire department, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which apply. (1960 Comp. Ords., § 17-808; Ord. No. 80-4, § 1.)

* For state law authorizing city to regulate or prohibit processions, see W.S., 1977, § 31-5-110.

Sec. 17-14. Taxicab stands.*

The chief of police is hereby authorized and required to establish taxicab stands on such public streets in such places and in such manner as he shall determine to be of the greatest benefit and convenience to the public, and every such taxicab stand shall be designated by appropriate signs erected by the chief of police. (Ord. No. 80-4, § 1.)

* For further provisions relating to taxicab stands, see § 31-9 of this Code.

Sec. 17-15. Vehicles to be constructed or covered to prevent escaping of contents.

(a) It shall be unlawful for any person to transport any loose cargo by truck or other motor vehicle within the

corporate limits of the city unless such cargo is covered and secured in such manner as to prevent depositing of litter on public and private property.

(b) The duty and responsibility imposed by subsection (a) of this section shall be applicable alike to the owner of the truck or other vehicle, the operator thereof, and the person from whose residence or establishment the cargo originated.

(c) 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. (1960 Comp. Ords., § 17-919; Ord. No. 80-4, § 1.)

Sec. 17-16. Left turns or "U" turns on certain intersections prohibited; method of making "U" turns.

(a) It shall be unlawful for the operator of any vehicle to make a left-hand turn where such intersection is posted forbidding same. It shall be unlawful for the operator of any vehicle to make a "U" turn at those intersections where traffic is controlled by electrical signals and flashers.

(b) A driver wishing to make a "U" turn where lawful shall give the necessary signal by extending his left hand horizontally outside the vehicle. To make the turn he shall pass to the right of and beyond the center of the street intersection before turning. "U" turns can be made at street intersections only.

(c) No person shall drive a motor vehicle across the center line of any street or roadway so as to cross the opposite lane of traffic and stop, stand or park the vehicle at the curb. (1960 Comp. Ords., § 17-508; Ord. No. 80-4, § 1.)

Article II Operation of Vehicles

Sec. 17-17. Restrictions as to speed.*

(a) Every person operating a motor vehicle or other vehicle on the streets or highways of the city shall drive the same in a careful and prudent manner at a rate of speed not greater than is reasonable, proper and safe, having due regard for the width, grade, curve, corners and traffic, and intended use and condition of the street, and all other attendant circumstances, so as not to endanger the life or limb or property of any person or animal. Such vehicles shall not be driven at a greater speed than is posted or designated; provided, however, the privately owned vehicles used by the members of the city volunteer fire department, Park County Search and Rescue, and employees of West Park Hospital who are ambulance drivers, EMT’s or emergency room personnel, are designated as emergency vehicles, and if equipped with at least one flashing red, white or amber light visible from the front of the vehicle and equipped with a marker on the front of the vehicle indicating the department or organization with which affiliated, shall be allowed while performing or traveling to perform assigned

fire-fighting or emergency service duties to be driven at a speed up to ten miles per hour over the posted or designated speed limit, provided the situation is safe and it is prudent to do so.

(b) In driving upon, in or through any alley or other access way dividing any block within the city, no motor or other vehicle shall exceed the rate of speed of fifteen miles per hour. (Ord. No. 80-4, § 1; Ord. No. 90-12, § 1; Ord. No. 92-3, § 1.)

* For state law as to speed regulations, see W.S., 1977, § 31-5-301 et seq.

Sec. 17-18. Speed or acceleration contests.*

(a) No person shall engage in any motor vehicle speed or acceleration contest, or exhibition of speed or acceleration on any street or alley of the city without approval of such use by the mayor and city council. No person shall aid or abet in any such motor vehicle speed or acceleration contest or exhibition on any street or alley of the city without approval of such use by the mayor and city council.

(b) No person shall, for the purpose of facilitating or aiding or as an incident to any motor vehicle speed or acceleration contest upon a street or alley of the city in any manner obstruct, or place, or assist in placing any barricades or obstruction upon any street or alley without approval of such use by the mayor and city council. (Ord. No. 453, § 1; Ord. No. 80-4, § 1.)

* As to racing bicycles, see § 6-14 of this Code.

Sec. 17-19. Careless or heedless driving.*

It shall be unlawful for any person to drive a vehicle upon the streets, alleys or highways of this city in a careless or heedless manner in disregard of the rights or safety of others, or without due caution or circumspection, or at a speed or in such manner as to endanger or be likely to endanger any person or property. Conviction of such driver under this section shall not require mandatory suspension of driver's or operator's license under state law. (1960 Comp. Ords., § 17-211; Ord. No. 423; Ord. No. 80-4, § 1.)

* For state law as to reckless driving, see W.S., 1977, § 31-5-229.

Sec. 17-20. Obstructing intersections and crosswalks.

No driver or operator of a motor vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space at the other side of the intersection or crosswalk to accommodate the entire vehicle he is driving or operating, without it obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indicating to proceed. (1960 Comp. Ords., § 17-606; Ord. No. 80-4, § 1.)

Sec. 17-21. Driving or having control of vehicle while under influence of intoxicating liquor or controlled substances.*

(a) As used in this section:

(1) "Alcohol concentration" means:

(A) The number of grams of alcohol per one hundred milliliters of blood;

(B) The number of grams of alcohol per two hundred ten millimeters of breath; or

(C) The number of grams of alcohol per seventy-five milliliters of urine.

(2) "Controlled substance" includes:

(A) Any drug or substance defined by W.S. 35-7-1002(a)(iv);

(B) Any glue, aerosol or other toxic vapor which when intentionally inhaled or sniffed results in impairment of an individual's ability to drive safely.

(3) "Conviction" means as defined in W.S. 31-7-102(a)(xi).

(4) "Driver's license" means as defined in W.S. 31-7-102(a)(xxv) and includes nonresident operating privileges as defined in W.S. 31-7-102.

(5) "Other law prohibiting driving while under the influence" means a statute or another state, the United States or a territory or district of the United States or an ordinance of a governmental entity of this or another state or of an Indian tribe which prohibits driving while under the influence of intoxicating liquor, al-

cohol, controlled substances or drugs.

(b) No person shall drive or have actual physical control of any vehicle within this state if the person:

(1) Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more; or

(2) To a degree which renders him incapable of safely driving:

(A) Is under the influence of alcohol;

(B) Is under the influence of a controlled substance; or

(C) Is under the influence of a combination of any of these elements named in subparagraphs (A) and (B) of this paragraph.

(c) Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or being in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the persons' blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

(1) If there was at that time an alcohol concentration of five one-hundredths of one percent or less, it shall be presumed that the person was not under the influence of alcohol;

(2) If there was at that time an alcohol concentration of more than five one-hundredths of one percent and less than eight one-hundredths of one percent, that fact shall not give rise to any presumption that the person was or was not under the influence of alcohol, but it may be considered with other competent evidence in determining whether the person was under the influence of alcohol to a degree which renders him incapable of safely driving a motor vehicle, are hereby adopted by reference and incorporated in this section as part of this Code as fully as if completely set out in full herein. One copy of this provision shall be kept on file in the office of the city clerk for examination and inspection by the public.

(d) Subsection (c) of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person

was under the influence of alcohol, including tests obtained more than three hours after the alleged violation. The fact that any person charged with a violation of subsection (b) of this section is or has been entitled to use the controlled substance under the laws of this state shall not constitute a defense against any charge under subsection (b) of this section. (1960 Comp. Ords. § 17-212; Ord. No. 80-4, § 1; Ord. No. 86-1, § 1; Ord. No. 89-5, § 1; Ord. No. 89-9, § 1; Ord. No. 2002-12, § 2.)

* For state law as to driving under the influence of intoxicating liquor or controlled substances, see W.S., 1977, §§ 31-5-233.

Sec. 17-22. Limitations on backing.*

No vehicle shall be driven in a backward direction to make a turn on any street nor shall a vehicle be backed into or in a street intersection. No vehicle shall be driven in a backward direction farther than is absolutely necessary to avoid accident, or to put itself into such position as to enable it properly to proceed on its ways, or to park properly. (1960 Comp. Ords., § 17-813; Ord. No. 80-4, § 1.)

* For state law as to backing, see W.S., 1977, §§ 31-5-226.

Sec. 17-23. Driving through funeral or other procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously marked. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers. (1960 Comp. Ords., § 17-807; Ord. No. 80-4, § 1.)

Sec. 17-24. Vehicles not to be driven on sidewalk.*

The operator of a motor vehicles shall not drive within any sidewalk area, or onto a sidewalk, except as a permanent or temporary driveway. (1960 Comp. Ords., § 17-804; Ord. No. 80-4, § 1.)

* As to driving vehicles repeatedly over curbing, see § 29-21 of this Code.

Sec. 17-25. Driving over closed streets.

No vehicle shall be driven over or across any pave-

ment newly laid or repaired, where there is a barrier or sign warning persons not to drive over such pavement or a sign stating that the street is closed. (1960 Comp. Ords., § 17-210; Ord. No. 80-4, § 1.)

Article III Stopping, Standing and Parking Generally*

* For state law authorizing city to regulate parking of vehicles, see W.S., 1977, § 31-5-110.

Sec. 17-26. Parking prohibited in certain places.*

(a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

(1) On a sidewalk.

(2) In front of a public or private driveway.

(3) Within an intersection.

(4) Within fifteen feet of a fire hydrant.

(5) In a crosswalk.

(6) Within twenty feet of an intersection or crosswalk, except in areas controlled by parking meters.

(7) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(8) On the roadway side of any vehicle stopped or parked at the edge of the curb of a street.

(9) Alongside any portion of an officially painted red or yellow curb.

(10) In front of any officially marked entrance or exit of any theater, place of amusement, school, hospital, church, hotel or any other buildings where there are public gatherings.

(11) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.

(12) At any place where official signs prohibit stopping or parking.

(b) No person shall park a vehicle on any street for any purpose whatsoever so that any part of any such vehicle or its load extends into the street to a point nearer than eight feet from the center line thereof.

The object of this provision is to keep an open space or clearance of sixteen feet in the middle of the street at all times, and if a vehicle or its load is of such length that it cannot be parked on a certain street so as to conform with this section and other provisions of this chapter, it shall not be left standing upon such street.

(c) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

(d) If pursuant to section 17-3 of this chapter, or by the action of the owner of real property used by the public for purposes of vehicular traffic by permission of the owner, and not as a matter of right, a parking space has been reserved for the handicapped and a sign as specified under W.S. 31-5-111 and 31-5-501 is in place, it shall be unlawful for any person to wilfully park a vehicle in violation of the restrictions, however, this shall not prohibit use of a handicapped parking space by a person issued a distinctive handicapped license plate or a transferable identification card by the state of Wyoming or any other state and displaying the plate or card on a vehicle used by this person. (1960 Comp. Ords., § 17-1006; Ord. No. 69-6; Ord. No. 74-1; Ord. No. 80-4, § 1; Ord. No. 89-9, § 1: Ord. No. 94-18, § 1.)

* For similar state law, see W.S., 1977, § 31-5-504.

Sec. 17-27. Parking long vehicles on certain streets.

No truck, trailer, motor vehicle or other vehicle measuring more than eighteen feet overall, with or without load, shall be left standing or permitted to park at any time on Sheridan Avenue between 11th and 15th Streets or on 12th or 13th Streets between Beck and Sheridan Avenues. (1960 Comp. Ords., § 17-1006; Ord. No. 74-1; Ord. No. 80-4, § 1.)

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Sec. 17-28. Removal of parked vehicles upon order of police, etc.

The owner, operator or custodian of any motor vehicle, trailer or other vehicle parked on the streets, alleys or roadways of the city shall immediately remove such vehicle from such place where so parked upon order or demand of any police officer or other official of the city.

The police department, and all members thereof assigned to traffic duty, are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any motor vehicle, trailer or other vehicle not removed as ordered pursuant to the provisions above or which is illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant or obstructs or may obstruct the movement of any emergency vehicle.

Vehicles so towed away shall be stored in a safe place and shall be restored to the owner or operator upon payment of any towing fee incurred and all storage charges. (1960 Comp. Ords., § 17-1006; Ord. No. 74-1; Ord. No. 78-22; Ord. No. 80-4, § 1.)

Sec. 17-29. Parking and storage in alleys.

No person shall stop, place or park a vehicle, trailer or other movable object within an alley in such a position as to block the driveway entrance to any abutting property, nor shall any person leave a vehicle parked unattended in an alley, except commercial vehicles engaged in the loading or unloading of such vehicle.

No person shall place, store or abandon any item, structure or property of any kind in any alley, except garbage and trash as authorized and allowed by the city for regular pickup and removal. (1960 Comp. Ords., § 17-1007; Ord. No. 74-1; Ord. No. 80-4, § 1; Ord. No. 81-11, § 1.)

Sec. 17-30. Parking for purpose of repairing.

No person shall park a vehicle upon any street, alley or roadway for the purpose of repairing or overhauling such vehicle, except for minimum repairs necessitated by an emergency; nor shall any person park any vehicle upon a street, alley or roadway for the purpose of displaying it for sale; nor shall any person park on any street within the business district any vehicle from which merchandise is

peddled. (1960 Comp. Ords., § 17-1006; Ord. No. 74-1; Ord. No. 80-4, § 1.)

Sec. 17-31. Parking at curb.

(a) No vehicle shall be parked with the left side of such vehicle next to the curb except on one-way streets, and it shall be unlawful to stop or park a motor vehicle or other vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within eighteen inches of the regularly established curb line; except, that upon those streets authorized and designated for angle parking, vehicles shall be parked at the angle indicated by the street markings.

(b) In stopping or parking a motor vehicle or other vehicle on the streets and avenues set forth and specified in this section, angle parking is authorized and required.

(1) Bleistein Avenue;

(2) Beck Avenue between 8th Street and 17th Street;

(3) Rumsey Avenue between 9th Street and 16th Street;

(4) Cody Avenue between 8th Street and 10th Street;

(5) 9th Street between Beck Avenue and Sheridan Avenue;

(6) 9th Street between Sheridan Avenue and Rumsey Avenue;

(7) 10th Street between Cody Avenue and Sheridan Avenue;

(8) 10th Street between Sheridan Avenue and Rumsey Avenue;

(9) 11th Street between Beck Avenue and Sheridan Avenue;

(10) 11th Street between Sheridan Avenue and Rumsey Avenue;

(11) 12th Street between Beck Avenue and Sheridan Avenue;

(12) 12th Street between Sheridan Avenue and Rumsey Avenue;

(13) 13th Street between Beck Avenue and Sheridan Avenue;

(14) 13th Street between Sheridan Avenue and Rumsey Avenue;

(15) 14th Street between Beck Avenue and Sheridan Avenue;

(16) 14th Street between Sheridan Avenue and Rumsey Avenue;

(17) 15th Street between Beck Avenue and Sheridan Avenue;

(18) 15th Street between Sheridan Avenue and Rumsey Avenue;

(19) 16th Street between Beck Avenue and Sheridan Avenue.

(c) Parking other than parallel parking shall be authorized and allowed in all parking areas set in from the curb so that no part of the parked vehicle extends more than eight feet into the street from the established curb One. (1960 Comp. Ords., § 17-1001; Ord. No. 399, § 3; Ord. No. 74-1; Ord. No. 74-4, § 1; Ord. No. 78-8, § 1; Ord. No. 78-16, § 1; Ord. No. 80-4, § 1; Ord. No. 93-10, § 1; Ord. No. 2001-8, §§ 1 and 2.)

Sec. 17-32. Parking on private property.

It shall be unlawful to stop or park a motor vehicle or other vehicle on any private property without the consent of the owner or occupant of the property. (Ord. No. 74-1; Ord. No. 80-4, § 1.)

Sec. 17-33. Registered owner responsible for illegal parking.

Every person in whose name a vehicle is registered or licensed shall be responsible for any parking of such vehicle in violation of this chapter. It shall be no defense that such vehicle was illegally parked by another unless it is shown that at such time such vehicle was being used without the consent of the registered or licensed owner thereof. (1960 Comp. Ords., § 17-1010; Ord. No. 74-1; Ord. No. 80-4, § 1.)

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Article IV Time Limitation on Parking

Sec. 17-34. Parking time limited on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle longer than two hours at any time between the hours of 8:30 A.M. and 5:30 P.M. of any day except Sundays and public holidays upon any street where such signs have been erected. (Ord. No. 84-11, § 2 (part).)

Sec. 17-35. Parking signs required.

Whenever any parking time limit is imposed or parking is prohibited by this chapter or any ordinance of the city, it shall be the duty of the chief of police or any other official or person approved by the mayor and the council to erect appropriate signs giving notice thereof and no such regulation shall be effective unless said signs are erected and in place at the time of any alleged offense. (Ord. No. 84-11, § 2 (part).)

Sec. 17-36. Overtime parking.

It is unlawful and a violation of the provisions of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any street as herein described. (Ord. No. 84-11, § 2(part).)

Sec. 17-37. Duties of police in connection with illegal or overtime parking.

It shall be the duty of the police officers of the city, acting in accordance with the instructions issued by the chief of police or any other official or person approved by the mayor and the city council relative to vehicles parked illegally or overtime, to report:

(a) The state's license number of such vehicle.

(b) The time during which such vehicle is parked in violation of any of the provisions of this article.

(c) The location and street where the vehicle was occupying a parking space in violation of any of the provisions of this article.

(d) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances pertaining to such violations.

(e) Each officer shall also attach to such vehicle a notice to the owners or operators thereof that such vehicle has been parked in violation of any provisions of this article and instructing the owner or operator to report to the police department or the city treasurer in regard to such violation. (Ord. No. 84-11, § 2 (part).)

Sec. 17-38. Penalties.

Each owner or operator shall, within twenty-four hours of the time when the notice as provided in section 17-37 was attached to such vehicle, pay to the city the sum of $2.00 for the first offense if appearance and payment is made by the violator within twenty-four hours, otherwise the violator shall pay $5.00; and the sum of $15.00 for the second offense and each subsequent offense committed within the same calendar day as the first offense, provided such violator makes payment to the city within twenty-four hours of the time when the notice as provided in section 17-37 was attached to such vehicle, otherwise $20.00 for each such offense. (Ord. No. 84-11, § 2(part).)

Sec. 17-39--Sec. 17-45. Repealed by Ord. No. 84-11.

Article V Removal of Illegally Parked or Abandoned Vehicles*

* For state law as to abandoned vehicles, see W.S., 1977, § 31-14-101 et seq.

Sec. 17-46. Unattended vehicles obstructing traffic.*

Whenever a policeman or other law enforcement officer finds a vehicle unattended where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety. (1960 Comp. Ords., § 17-1008; Ord. No. 448; Ord. No. 80-4, § 1.)

* For state law as to removal of unattended vehicles, see W.S., 1977, § 31-5-508.

Article VI Unlawful Operation of Vehicle by Youthful Driver with Detectable Alcohol Concentration; Penalty.

Sec. 17-47. Unlawful operation of vehicle by youthful driver with detectable alcohol concentration; penalty.

(a) As used in this section:

(1) "Alcohol concentration" means:

(A) The number of grams of alcohol per one hundred milliliters of blood;

(B) The number of grams of alcohol per two hundred ten millimeters of breath; or

(C) The number of grams of alcohol per seventy-five milliliters of urine.

(2) "Driver's license" means as defined in W.S. 31-7-102(a)(xxv) and includes nonresident operating privileges as defined in W.S. 31-7-102(a)(xxx).

(3) "Peace officer" means as defined by W.S. 7-2-101(a)(iv)(A), (B) and (G).

(4) "Conviction" means as defined by W.S. 31-7-102(a)(xi).

(b) A person younger than twenty-one years of age shall not operate or be in actual physical control of a vehicle in this state with an alcohol concentration of two one-hundredths of one percent or more.

(c) Repealed by Laws 2002, Sp. Sess., ch. 93, § 2.

(d) When a peace officer has probable cause to believe that a person may be violating or has violated subsection (b) of this section, the peace officer may request that the person submit to a chemical test or tests to be administered in compliance with W.S. 31-6-108. Prosecution for a violation of this section is a bar to prosecution under W.S. 12-6-101(b) or any similar municipal ordinance.

(e) A person convicted of violating this section shall be guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars. A person convicted of violating this section a second time within one year of the first conviction is guilty of a misdemeanor punishable by imprisonment for not more than one month, a fine of not more than seven hundred fifty dollars, or both. A person convicted of a third or subsequent conviction under this section within two years shall be guilty of a misdemeanor punishable by imprisonment for not more than six months, a fine of not more than seven hundred fifty dollars, or both. The court may order the person to undergo a substance abuse assessment and complete any recommended treatment for any conviction under this section as a condition of probation. Notwithstanding any other provi-

sion of law, the term of probation imposed by a judge under this section may exceed the maximum term of imprisonment established for the offense under this subsection provided the term of probation together with any extension thereof, shall in no case exceed three years.

(f) A person convicted under this section or a municipal ordinance which substantially conforms to the provisions of this section shall, in addition to the penalty imposed in subsection (e) of this section, have his driver's license denied or suspended pursuant to W.S. 3-7-128(h). The court shall forward a copy of the conviction to the department.

(g) The court may, upon pronouncement of any jail sentence under subsection (e) of this section, provided in the sentence that the defendant may be permitted, if he is employed or enrolled in school and can continue his employment or education, to continue such employment or education for not more than the time necessary as certified by his employer or school administrator, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment or education and a reasonable time to travel to and from his place of employment or school. Unless the defendant is indigent, the court shall require him as a condition of special treatment under this subsection to pay a reasonable amount for room and board as determined by the sheriff.

(h) Chemical analysis of a person's blood, breath or urine to determine alcohol concentration or controlled substance content shall be performed in accordance with W.S. 31-6-105(a). (Laws 1998, ch. 102, § 1; 2002 Sp. Sess., ch. 93, §§ 1, 2; Ord. No. 2002-12, § 3.)

Sec. 17-48--Sec. 17-52. Repealed by Ordinance No. 96-15, § 2.

Chapter 18

YELLOWSTONE REGIONAL AIRPORT

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Article I In General

Sec. 18-1. Definitions.

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

Aircraft. Any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

Airport. The Yellowstone Regional Airport.

Board. The Yellowstone Regional Airport joint powers board appointed by the City of Cody and the park county commissioners.

Manager. The airport manager is appointed by the Yellowstone Regional Airport joint powers board to manage, superintend, have charge of, control and protect the airport. (Ord. No. 2001-4, § 1.)

Sec. 18-2. Description and title.

That certain property situated in sections 4 and 5 of T. 52 N., R. 101 W. and sections 33 and 34 of T. 53 N., R. 101 W. as shown on the official City of Cody map for public airport use shall be known as the Yellowstone Regional Airport. (Ord. No. 2001-4, § 1.)

Sec. 18-3. Revenues.

All revenues of every source derived from the airport and its operations shall be deposited in a special fund designated Yellowstone Regional Airport Fund and used only for airport purposes. (Ord. No. 2001-4, § 1.)

Sec. 18-4. Rules and regulations generally as to use.

All pilots, crewmen, service and maintenance personnel, ground personnel, passengers, onlookers and all other persons employed at, visiting or utilizing the airport shall be governed by the present and future rules and regulations promulgated by the Yellowstone Regional Airport joint powers board, as well as by the provisions of the city ordinances and all applicable rules and regulations of the United States and the state, which rules

and regulations are made a part hereof by reference as if set out in full herein. (Ord. No. 2001-4, § 1.)

Sec. 18-5. Lease of sites for structures, etc.; building of structures.

The board and/or airport manager, upon written application, may lease buildings, building sites, or any portion of the airport to persons desiring to construct hangars or other appropriate structures at the airport. Such structures shall be built according to the rules and regulations which now exist, or which may hereafter be adopted regarding specifications and plans, and shall be subject to the approval of the city engineer and building official, and such structure shall be erected only on such area of the airport as the board and/or manager shall designate and under conditions and provisions as to the reversion of such property which may be imposed. (Ord. No. 2001-4, § 1.)

Sec. 18-6. Lease agreements or contracts.

The rental agreement for land, buildings or other structures at the airport shall be determined by a written lease agreement or contract between the board and any lessee. (Ord. No. 2001-4, § 1.)

Sec. 18-7. Assumption of responsibility and risk.

The privilege of using the airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof and he shall release, hold harmless and indemnify the board, its agents and employees, manager, the city, its mayor and council and its officers and employees, and park county, the commissioners, its agents and employees from any liability or loss resulting from such use, as well as against claims of third persons against the person using the airport. (Ord. No. 2001-4, § 1.)

Sec. 18-8. Permit for use of facilities.

No person shall use the airport as a base or terminal for commercial aviation activities or conduct any business or concession upon the airport or upon any land acquired for use in connection with the airport, or upon or in any of the buildings, structures, land, parking places, walkways, roadways or other facilities used or operated in connection with the airport, without first obtaining the

written permission of the board or the airport manager. (Ord. No. 2001-4, § 1.)

Sec. 18-9. Use of field by commercial aviation subject to regulations and fees.

The use of the airport by commercial aviation companies shall be subject to existing agreements, rules and regulations and minimum standards, and to the imposition of such charges or fees as the board or the airport manager may set and determine. (Ord. No. 2001-4, § 1.)

Sec. 18-10. Supplies, services and repairs.

Supplies, provisions, gasoline, oils, fuel, service and repairs shall be offered and sold or delivered for use at the airport, subject to such rules and regulations and minimum standards as from time to time may be adopted and ordered by the board or airport manager. (Ord. No. 2001-4, § 1.)

Sec. 18-11. Operation of aircraft on ground.

(a) No aircraft engine shall be started on an aircraft not equipped with adequate brakes which are fully set, unless the wheels have been set with blocks.

(b) No aircraft engine shall be started or run unless a competent operator shall be at the controls of the aircraft.

(c) No aircraft engine shall be run or warmed up unless the aircraft is in such position that the propeller blast shall clear all buildings, groups of people in the observation areas, aircraft parking areas, service runways and flight landing paths.

(d) No aircraft shall taxi in or out of hangars at any time.

(e) Engines mounted in aircraft shall not be operated in any hangar. (Ord. No. 2001-4, § 1.)

Sec. 18-12. Areas for aircraft repair.

No aircraft, aircraft engine, propeller or appliance shall be repaired on any area of the airport other than that specifically designated by the board or the airport manager. (Ord. No. 2001-4, § 1.)

Sec. 18-13. Removal of disabled aircraft.

Every aircraft owner, his pilot and agents, severally, shall be responsible for the prompt removal of any disabled aircraft, unless directed to delay such action pending investigation of an accident. (Ord. No. 2001-4, § 1.)

Sec. 18-14. Aircraft fueling and defueling.

All fueling activities on airport shall comply with Federal Aviation Regulation Part 139, including but not limited to the following:

(a) No aircraft shall be fueled or drained of fuel while the engine is running or while such aircraft is in hangar or enclosure space.

(b) No smoking shall be permitted within fifty feet of the aircraft fuel tanks while the aircraft is being fueled or drained of fuel nor within fifty feet of any fuel carrier when not in motion or when it is being utilized for refueling or draining of fuel from an aircraft.

(c) No person shall operate any radio transmitter or receiver or switch electrical appliances on or off in any aircraft during fueling or draining of fuel.

(d) All hoses, funnels and appurtenances used in fueling and draining operations shall be equipped with a bonding device to equalize static charges. During refueling, the aircraft and the fuel dispensing apparatus shall both be grounded to a point or points of zero electrical potential.

(e) Persons engaged in the fueling and draining of aircraft shall exercise care to prevent overflow of fuel.

(f) No aircraft shall be fueled or defueled while passengers are on board unless a passenger-loading ramp is in place at the cabin door of such aircraft or a cabin attendant is present at or near the cabin door.

(g) Only personnel engaged in the fueling and maintenance and operation of an aircraft shall be permitted within fifty feet of fuel tanks of such aircraft during any such operation except as provided in subsection 18-14(f).

(h) Adequate fire extinguishers shall be within ready reach of persons engaged in refueling and draining operations.

(i) No person shall start or operate the power plant of any aircraft when there is gasoline on the ground and under the aircraft.

(j) Fueling hoses and draining equipment shall be maintained in a safe and sound and nonleaking condition. (Ord. No. 2001-4, § 1.)

Sec. 18-15. Vehicular traffic.

(a) No person shall operate any motor vehicle on the airport other than in accordance with the general rules as hereinafter prescribed for the control of such vehicles, except when given special instructions by the board or the airport manager or in cases of emergency involving danger to life or property.

(b) Parking of vehicles will be in those areas designated as parking areas by the board or airport manager.

(c) Vehicles shall not be driven on the airport, including aprons, unless necessary in the refueling, servicing or movement of an aircraft or in connection with the maintenance of the field and facilities.

(d) Private vehicles are not permitted on the air carrier ramp at any time.

(e) No private vehicle of any description shall be allowed upon the runways or taxiways at any time without permission of the board or the airport manager.

(f) No motorcycles, go-carts, motorized scooters, or bicycles of any kind shall be permitted on the airport without permission of the board or the airport manager.

(g) Pedestrians and vehicular traffic while on the landing area proper at all times shall exercise extreme caution and give sufficient right of way for the safe operation of aircraft. (Ord. No. 2001-4, § 1.)

Sec. 18-16. Fire hazards generally.

(a) No person shall use inflammable volatile liquids in the cleaning of aircraft, aircraft engines, propellers and appliances unless such cleaning operations are conducted in open air areas as designated or in a room specifically set aside for that purpose, which room must be

properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus.

(b) No person shall conduct any open flame operations in any hangar or building or part thereof unless specifically authorized by the board or the airport manager.

(c) No person shall store or stock material or equipment in such a manner as to constitute a fire hazard.

(d) No person shall keep or store any flammable liquids, gases, signal flares or other similar material in hangars or any building on the airport; provided, that such materials may be kept in aircraft in the proper receptacles installed in the aircraft for such purpose or in rooms or areas specially approved for such storage by the board or the airport manager.

(e) No person shall keep or store lubricating oil in or about the hangars; provided, that such materials may be kept in aircraft in the proper receptacles installed in the aircraft for such purpose or in containers provided with suitable draw off devices approved by the board or the airport manager.

(f) Lessees in hangars or hangar space shall provide suitable metal receptacles with covers for the storage of oil waste, rags and other rubbish.

(g) No person shall use volatile flammable substances for cleaning the floors in the hangars or in other buildings on the airport.

(h) All lessees of the airport facilities shall keep the floors of hangars, apron pits, and areas adjacent thereto, leased by them respectively, free and clear of oil, grease and other flammable material.

(i) Doping processes shall be conducted only in properly designated, fireproofed, and ventilated rooms or buildings in which all windows and doors shall open easily.

(j) All persons using the airport area or facilities of the airport shall exercise the utmost care to guard against fire and injury to persons and property.

(k) In the event of fire or other emergency the person discovering such peril shall immediately report such information to the fire department. (Ord. No. 2001-4, § 1.)

Sec. 18-17. Carrying explosives, flammable material and fireworks.

No person, except police officers, duly authorized post office employees, airport employees or members of the armed forces of the United States on official duty, shall carry any explosives or flammable material on the airport without the written permission of the board or the airport manager. Fireworks shall not be permitted on the airport at any time. (Ord. No. 2001-4, § 1.)

Sec. 18-18. Garbage, refuse. etc.

No person shall dispose of garbage, papers, refuse, scrap metals, metal containers, glass, or other material on the airport except in receptacles provided for that purpose and each lessee of airport property shall be responsible for removal of such refuse from the airport. (Ord. No. 2001-4, § 1.)

Sec. 18-19. Aerial spraying.

No aircraft equipped with apparatus for distribution of sprays, dust, weather modification or other chemicals, seeds or bait shall be loaded or unloaded on the asphalt ramps, nor shall any aircraft so equipped be parked on such asphalt ramps unless such aircraft is provided with proper fittings and nozzles which are in a sound and leakproof condition. (Ord. No. 2001-4, § 1.)

Sec. 18-20. Advertisements.

No person shall post, distribute, or display signs, advertisements, circulars, printed or written matter at the airport except with the approval of the board or the airport manager and in such manner as they may prescribe. No permanent signboards shall be erected on the airport property. (Ord. No. 2001-4, § 1.)

Sec. 18-21. Miscellaneous offenses.

No person shall:

(a) Destroy, injure, deface or disturb in any way any building, sign, equipment, marker, or other structure, flower, lawn or other public property on the airport.

(b) Trespass on lawns and seeded areas on the airport.

(c) Abandon any personal property on the airport.

(d) Interfere with, tamper or injure any part of the airport or any of the equipment hereon.

(e) No unauthorized person shall interfere or tamper with any aircraft or shall start the engine of such aircraft.

(f) No person shall take or use any aircraft, or parts or accessories thereof, or tools or other equipment owned or controlled by any other person and stored or otherwise left at the airport without the consent of the owner or operator thereof, or other satisfactory evidence of his right to do so. (Ord. No. 2001-4, § 1.)

Article II Airport Obstruction Zoning

Sec. 18-22. Short title.

The ordinance set forth in the following sections of Article II shall be known and may be cited as Yellowstone Regional Airport Obstruction Zoning Ordinance. (Ord. No. 2001-4, § 1.)

Sec. 18-23. Definitions.

Airport elevation. The highest point of an airport's usable landing area measured in feet from mean sea level.

Airport hazard. Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.

Structure. An object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks, earth formation, and overhead transmission lines.

Tree. Any deciduous or coniferous natural growth.

Nonconforming use. Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this Airport Hazard Zoning article.

Height. For the purpose of determining the height limits in all zones set forth in this article, the datum shall mean sea level elevation unless otherwise specified.

Person. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of them.

Runway. A defined area on a public use airport, prepared for landing and takeoff of aircraft along its length, including both existing and proposed, as shown on the approved Airport Layout Plan for Yellowstone Regional Airport.

Approach, transitional, horizontal, and conical zones. These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in Federal Aviation Regulation (FAR) Part 77, and shown on the approved Approach and Clear Zone Plan for the airport.

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument designation indicated on the FAA approved Airport Layout Plan.

Utility runway. A runway that is used by propeller-driven aircraft of twelve thousand five hundred pounds maximum gross weight and less.

Transport runway. A runway that is used for five hundred or more (actual or forecasted) annual aircraft operations that are larger than utility aircraft.

Nonprecision instrument runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on the Airport Layout Plan.

Precision instrument runway. A runway having an existing instrument approach procedure which includes vertical and horizontal approach guidance. It also means a runway for which a precision approach system is planned and is so indicated on the approved Airport Layout Plan.

Primary surface. A surface longitudinally centered on a runway. The primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point onto the runway centerline.

Public-use airport. Any airport, publicly or privately owned, which is open to public use and meets all appropriate state and federal operational criteria. (Ord. No. 2001-4, § 1.)

Sec. 18-24. Airport zones.

In order to carry out the provisions of this article there are hereby created and established certain zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to a public-use airport. Such zones are shown on the approved Airport Airspace Drawing, which is attached to the ordinance codified in this article and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive limitations. The various zones are hereby established and defined as follows:

(a) Approach and clear zones. Those areas depicted on the approved Airport Airspace Drawing include the horizontal, conical, approach and primary surfaces which pertain to Federal Aviation Regulation (FAR) Part 77. Within this zone are the following defined sub-zones:

(1) Utility runway visual approach sub-zone. The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty feet wide. The approach zone expands outward uniformity to a width of one thousand two hundred fifty feet at a horizontal distance of five thousand feet from the primary surface, its centerline being the continuation of the centerline of the runway.

(2) Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach sub-zone. The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet wide. The approach zone expands outward uniformly to a width of three thousand five

hundred feet at a horizontal distance of ten thousand feet from the primary surface, its centerline being the continuation of the centerline of the runway.

(3) Transitional sub-zone. These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at ninety-degree angles to the runway centerline and the runway.

(4) Horizontal sub-zone. The horizontal zone is hereby established by swinging arcs of ten thousand feet radii from the center of each end of the primary surface of each runway, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(5) Conical sub-zone. The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet. The conical zone does not include the precision instrument approach zones and the transitional zones. (Ord. No. 2001-4, § 1.)

Sec. 18-25. Airport zone height limitations.

Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow, or be maintained in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones and sub-zones in question as follows:

(a) Utility runway visual approach sub-zone. Slopes upward twenty feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet along the extended runway centerline.

(b) Runway larger than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach sub-zone. Slopes upward thirty-four feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet along the extended runway centerline.

(c) Transitional sub-zones. Slopes upward and outward seven feet horizontally for each foot vertically beginning at the sides of and at the same elevation as the

primary surface and the approach zones, and extending to a height of one hundred fifty feet above the airport elevation (five thousand one hundred) which is highest elevation of each public use airport. In addition to the foregoing, there are established height limits sloping upward and outward seven feet horizontally for each foot vertically beginning, at the sides of and at the same elevation as the approach zones and extending to where they intersect the conical surface.

(d) Horizontal sub-zone. One hundred fifty feet above the airport elevation.

(e) Conical sub-zone. Slopes upward and outward twenty feet horizontally for each foot vertically, beginning at the periphery of the horizontal zone and at one hundred fifty feet above the airport elevation and extending to a height of three hundred fifty feet above the airport elevation.

(f) Excepted height limitations. Nothing in this article shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to thirty-five feet above the surface of the land.

Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail. These surfaces are shown on the approved Approach and Clear Zone Plan for Yellowstone Regional Airport and are incorporated herein. (Ord. No. 2001-4, § 1.)

Sec. 18-26. Use restrictions.

Notwithstanding any other provisions of this article, no use may be made of land or water within airport zones established by this article in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the public use airport. Included in this restriction is any land or water use which would tend to promote or increase bird population and thereby increase the likelihood of a bird strike problem.

Notwithstanding any other provisions of this article, no use may be made of land or water within the approved

approach and Clear Zones established by this article in such a manner which would promote or increase large congregations of people and/or aboveground storage of flammable substances. (Ord. No. 2001-4, § 1.)

Sec. 18-27. Nonconforming uses.

(a) Regulations not retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the ordinance codified in this article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this article, and is diligently prosecuted.

(b) Marking and lighting. Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the City of Cody to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of the public-use airport. (Ord. No. 2001-4, § 1.)

Sec. 18-28. Permits.

(a) Future uses. No material change shall be made in the use of land; and no structure or tree shall be erected, altered, planted, or otherwise established in any zone or sub-zone hereby created unless a permit therefore shall have been applied for and granted by the City of Cody and approved by the board or airport manager.

(1) Under these provisions, a permit for a tree or structure of less than seventy-five feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of four thousand two hundred feet from each end of the runway except when such tree or structure, because of terrain land contour, or topographic features, would extend above the height limit prescribed for the respective zone. All other applicable regulations, codes and permits shall apply to

the erection, alteration, planting, or establishment of a tree, structure, or use of land.

(2) is desired with sufficient particulars to determine whether the resulting use, structure, or tree would conform to the regulation herein prescribed. If such determination is in the affirmative, the permit shall be granted. If such determination is negative, the permit may be denied or the applicant may be allowed to modify the application to comply with the provisions of this article.

(b) Existing uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of the ordinance codified in this article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) Nonconforming uses abandoned or destroyed. Whenever the City of Cody determines that a nonconforming tree or structure has been abandoned or more than eighty percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from these provisions.

(d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this article may apply to the City of Cody for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in unnecessary hardship and relief granted would not be contrary to the public interest, but will do substantial justice and be in accordance with the spirit of this article.

(e) Hazard marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city of Code or airport owner, at its own expense, to install, operate, and maintain thereon such markers and

lights as may be necessary to indicate to pilots the presence of an airport hazard. (Ord. No. 2001-4, § 1.)

Sec. 18-29. Enforcement.

It shall be the duty of the City of Cody to administer and enforce the regulations prescribed herein. It may delegate to the board and/or airport manager as it deems appropriate. Applications for permits and variances shall be made to the City of Cody upon a form furnished by it. Application required by this article to be submitted to the City of Cody shall be promptly considered and granted or denied. Application for action by the City of Cody shall be forthwith transmitted by it. (Ord. No. 2001-4, § 1.)

Sec. 18-30. Appeals.

(a) Any person aggrieved, or any taxpayer affected, by any decision of the City of Cody administering officer made in the administration of this article may appeal to the city planning and zoning commission.

(b) All appeals hereunder must be taken as provided by the rules of the City of Cody by filing a notice of appeal specifying the grounds thereof. The city building official shall forthwith transmit to the city planning and zoning commission, all the papers constituting the record upon which the action appealed was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the city building official certifies after the notice of appeal has been filed that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the city council.

(d) The city shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person, by agent or by attorney.

(e) The city may, in conformity with the provisions of this article reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances. (Ord. No. 2001-4, § 1.)

Sec. 18-31. Penalties

Each violation of this article or any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than seven hundred fifty dollars; each day violation continues to exist after official notification of such offense shall constitute a separate offense. (Ord. No. 2001-4, § 1.)

Sec. 18-32. Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. No. 2001-4, § 1.)

Sec. 18-33. Severability.

If any of the provisions of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the valid provision or application, and to this end the provision of this article is declared to be severable. (Ord. No. 2001-4, § 1.)

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Chapter 19

NUISANCE ABATEMENT

§ 19-1. Definitions.
§ 19-2. Summary abatement.
§ 19-3. Abatement in other cases, notice, etc.
§ 19-4. Abatement by owner.
§ 19-5. Appeal procedures; hearing.
§ 19-6. Abatement by city.
§ 19-7. Notice of assessment; appeal of charges.
§ 19-8. Personal liability by owner.
§ 19-9. Cost of abatement; low income, elderly persons.
§ 19-10. Overhead charge, civil penalties.
§ 19-11. Criminal penalties.
§ 19-12. Severability.

Sec. 19-1. Definitions.

Abatement means to bring to a halt, eliminate or where that is not possible or feasible, to suppress, reduce and minimize that which causes or constitutes a nuisance.

Owner means the owner of record based on the county assessor's record or any person with legal, financial or equitable interest in the property on which the alleged public nuisance exists at the time of the violation.

Property means any real property, premises, structure or location on which a public nuisance is alleged to exist.

Public nuisance means any fence, wall, shed, deck, house, garage, building, structure or any part of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk subspace; or any lot, land, yard, stable or yard with an accumulation of animal manure, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, damage or injury to any one or more individuals in the city, in any one or more of the following particulars:

(1) By reason of being a menace, threat and/or hazard to the general health and safety of the community.

(2) By reason of being a fire hazard.

(3) By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.

(4) By reason of lack of sufficient or adequate maintenance of the property and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

Summary abatement means abatement of the nuisance by the city, or a contractor employed by the city, by removal, repair, or other acts without notice to the owner, agent, or occupant of the property except for the notice required by the ordinance codified in this chapter. (Ord. No. 2001-13, § 1; Ord. No. 2002-6, § 1.)

Sec. 19-2. Summary abatement.

(a) Whenever a complaint is made to the police department of the existence of a public nuisance, as defined in section 19-1, the police department shall promptly cause to be inspected the property on which it is alleged that such public nuisance exists. Should the police department find that a public nuisance exists, and that the public health, safety or welfare may be in immediate danger, then summary abatement procedures shall be implemented and the police department may cause the nuisance to be removed or abated. The police department may notify the building inspector if the public nuisance involves a building that appears structurally unsafe. The building inspector, upon being notified by the police department shall cause the building on which it is alleged such public nuisance exists to be inspected and shall submit a written report of such inspection and the findings to the police department.

(b) When summary abatement is authorized, notice to the owner, agent or occupant of the property is not required. Following summary abatement, the police department shall cause to be posted on the property liable for the abatement, a notice describing the action taken to abate the nuisance. (Ord. No. 2001-13, § 1.)

Sec. 19-3. Abatement in other cases; notice, etc.

(a) If, after inspecting the property on which the nuisance is reported, the police department declares the existence of a public nuisance, but the nature thereof is not such as to require the summary abatement of such

nuisance, then, regular abatement procedures shall be followed. Photographs and reports of the findings and inspections shall be made and filed with the police department.

(b) The police department shall immediately cause a written notice to be served on the individual, firm or corporation who appears to be the titled owner of the aforesaid property by personal service or by leaving a copy of the notice at the usual place of residence or business of such owner, or address of such owner shown in the county recorder's records, or by copy mailed to such owner at such place or address by United States certified mail, return receipt requested. If service of such written notice is unable to be perfected by any of the methods described above, the police department shall cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the city, once a week for two consecutive weeks, and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the police department shall cause a copy of the notice to be posted at such structure, location or premises. The police department may also determine from the county recorder's office who the lienholder of the property, if any, as documented therein, is and may cause a written notice to be served on such lienholder by United States mail, return receipt.

(c) The aforesaid notice to the owner, and lienholder, if any, of the property shall state clearly and concisely the findings of the police department with respect to the existence of a public nuisance. The notice shall further state that unless the owner thereof shall cause the abatement of the public nuisance, pursuant to the orders contained in the police department's notice, the public nuisance shall be abated by the city at the expense of the owner.

(d) Any person who is the record owner of the premises, location or structure at the time an order pursuant to the ordinance codified in this chapter is issued and served upon him, shall be responsible for complying with that order, and liable for any costs incurred by the city therewith, notwithstanding the fact that he conveys his interests in the property to another after such order was issued and served.

(e) It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed.

Sec. 19-4. Abatement by owner.

(a) Within fifteen days after the posting and mailing of a notice to abate a nuisance, the owner, agent of the owner, or individual in possession of the affected property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing shall be made by filing a written statement that no nuisance exists. The statement shall be filed with the police department.

(b) The police department, upon written application by the owner within the fifteen day period after the notice has been served, may grant additional time for the owner to effect the abatement of the public nuisance, provided that such extension is limited to a specific time period. (Ord. No. 2001-13, § 1.)

Sec. 19-5. Appeal procedures; hearing.

(a) The owner or occupant of the property who has been served with a notice pursuant to the ordinance codified in this chapter that a public nuisance exists and that it must be abated within fifteen days, may, within seven calendar days after receipt of such notice, make a written demand to the police department for a hearing on the question of whether a public nuisance in fact exists. The hearing shall be held within seven calendar days following receipt by the police department of the written demand and at least two days notice of the hearing shall be given to the individual who made the written demand for hearing.

(b) The hearing shall be conducted by the city through the city council or the council's designee. The city may amend or modify the notice and/or order, or extend the time for compliance with the police department's order by the owner by such date as the majority of the city council or the designee may determine.

(c) The owner, agent of the owner, occupant and lienholder, if any, of the subject property shall be given the opportunity to present evidence to the city or its designee.

(d) In those instances where the nuisance has been abated by the city, the city shall have the discretion to

waive the cost of abating a nuisance, in whole or in part, if, in the course of the hearing reviewing the decision, the city council or its designee find that any of the following did not confirm to the provisions of the ordinance codified in this chapter:

(1) The notice to remove the nuisance;

(2) The work performed in abating the nuisance; or

(3) The computation of charges. (Ord. No. 2001-13, § 1.)

Sec. 19-6. Abatement by city.

(a) Should any public nuisance not be abated at the expiration of time stated in the notice/order or within such additional time as the police department or city council may grant, the police department shall have the authority to enter upon the property and abate the public nuisance found. In abating such nuisance, the police department may go to whatever extent may be necessary to complete the abatement of the public nuisance and should it be practicable to salvage any material derived in the aforesaid abatement, the police department may sell the salvaged material at private or public sale at the best price obtainable and shall keep an accounting of the proceeds thereof.

(b) The proceeds, if any, obtained from the sale of any material salvaged as a result of an abatement of a public nuisance by the police department shall be deposited to the general fund of the city and any deficit between the amount so received and the cost of the abatement may be levied as an assessment against the property in question by the city council and collected as any other assessment by the city; however, any other alternative collection method may be utilized by the city to recoup the deficit. Should the proceeds of the sale of such salvaged material exceed the cost of abatement, the surplus, if any, shall be paid to the owner of the property from which the public nuisance was abated when a proper claim to the excess is established.

(c) In abating a public nuisance, the police department may call upon any of the city departments or divisions for whatever assistance shall be deemed necessary or may by private contract cause the abatement of the public nuisance.

(d) The police department shall, after completing the removal and abatement, file a statement of costs with the city administrative services director. (Ord. No. 2001-13, § 1.)

Sec. 19-7. Notice of assessment; appeal of charges.

(a) Upon receipt of the statement of costs from the police department, the administrative services director shall mail to the owner of the property upon which the public nuisance has been abated, notice of the amounts set forth in the statement, plus an additional amount sufficient to defray the costs of the notice and stating that the city proposes to assess against the property the amount set forth in the notice and that objections to the proposed assessment must be made in writing and received by the administrative services director within twenty days from the date of mailing such notice. Upon the expiration of the twenty-day period, if no objections have been received by the administrative services director, the administrative services director shall enter that amount in the city liens docket, which shall, therefore, constitute a lien against the property.

(b) If objections of either the property owner or their representative are received by the administrative services director prior to the expiration of the twenty-day period, the administrative services director shall refer the matter to the police department for administrative review.

(c) Upon conclusion of administrative review, the police department shall make a written determination that the amount of the charges shall be canceled, reduced, or remain the same. A copy of this determination shall be furnished to the person making the objections together with a notice of such person's right to appeal to the municipal court.

(d) If no appeal of a determination by the police department is filed within the time period allowed, a copy of the determination will be furnished to the administrative services director who shall then enter a lien in the amount determined by the police department in the city liens docket as provided in subsection 19-7(a).

(e) If a timely appeal is received by the municipal court, a hearing shall be scheduled and held on the matter. If, after the hearing, the municipal court determines that the proposed assessment does not comply with subsection 19-

7(f), the municipal court shall so order to the administrative services director and the proposed assessment shall be canceled. If, after the hearing, it is determined that the proposed assessment or any part of it is proper and authorized, the municipal court shall so order to the administrative services director, who shall enter a lien in such amount as determined appropriate by the municipal court, in the lien docket as provided in subsection 19-7(a).

(f)(1) The police department, in administrative review, or the municipal court on appeal, may reduce or cancel a proposed assessment if it is determined that:

(i) Any of the following did not conform to the provisions of the ordinance codified in this chapter:

(A) The notice to remove the nuisance; or

(B) The work performed in abating the nuisance; or

(C) The computation of charges; or

(ii) The owner of the property was eligible for a waiver of costs under section 19-9.

(2) The police department, in administrative review, or the municipal court, on appeal, may reduce a proposed assessment by eliminating the civil penalty portion of the invoice if it is determined that:

(i) The current owner was not in possession of the property at the time the notice required in section 19-3 was posted; or

(ii) The owner did not receive the notice to remove the nuisance, did not have knowledge of the nuisance and could not, with the exercise of reasonable diligence, have had such knowledge.

(g) If, after a lien has been entered in the docket of city liens, there is a written request of an owner who alleges that the owner did not receive notice of the proposed assessment the administrative services director shall refer the matter for review pursuant to subsection 19-7(b).

(h) The lien may be canceled or reduced by the police department, in administrative review, or the municipal court, on appeal, if it is determined that the owner

did not receive notice of the proposed assessment, did not previously have knowledge of the lien or of the nuisance abatement work constituting the basis of the lien, could not, in the exercise of reasonable care or diligence, have had such knowledge, and in addition, that the circumstances are such that a reduction or cancellation of the charges would have been appropriate had the matter been reviewed pursuant to this section prior to assessment. Upon receipt of an order from the municipal court, pursuant to subsection 19-7(e), the administrative services director shall cancel or reduce the lien if required by determination of the police department and/or municipal court. (Ord. No. 2001-13, § 1.)

Sec. 19-8. Personal liability of owner.

The person who is the owner of the property at the time at which the notice required under Sec. 19-3 of the ordinance codified in this chapter is posted, shall be personally liable for the amount of the assessment including all interest, civil penalties, and other charges. (Ord. No. 2001-13, § 1.)

Sec. 19-9. Cost of abatement; Low income, elderly persons.

(a) Notwithstanding the other provisions of the ordinance codified in this chapter, the cost of abating a nuisance shall be waived for low income and elderly persons, if upon application it appears to the police department that the conditions set forth in subsection 19-9(b) are met.

(b) To be eligible for waiver of nuisance abatement costs, a person must be classified as "very low income," for Park County, Wyoming, as defined by the Federal Housing and Urban Development, and

(c) Be more than sixty-five years of age and:

(1) A person living alone, whose total income for the preceding calendar year did not exceed one and one-half times the maximum amount a Social Security recipient at age sixty-five may have earned in that year without having any benefits withheld; or

(2) The head of a household which household received a total income for the preceding calendar year that did not exceed two and one-quarter times the maximum amount a Social Security recipient at age sixty-five may

have earned in that year without having any benefits withheld.

(d) Additionally, all persons wishing to qualify for waiver of nuisance abatement costs must:

(1) Furnish proof of the age and/or income requirements as set forth above in the manner and form designated by the police department;

(2) Must own, or be in the process of purchasing the property from which the nuisance is abated; and

(3) Be living on the property from which the nuisance is abated.

(e) The removal of the nuisance in question must have been required by the police department and the person requesting the waiver of costs must have been officially notified by the police department to remove the nuisance.

(f) Applications for waiver of nuisance abatement costs shall be filed with the police department, on forms supplied by the city, within ten days after receipt of a notice to remove a nuisance or a work order notice unless the police department extends the time for good cause shown. All information required to be given on such form shall be supplied and verified by the applicant.

(g) The maximum amount that may be waived under this section for any one parcel of real property or any one person shall be five hundred dollars per calendar year.

(h) No overhead charge or civil penalty shall be imposed for any real property for which a waiver, pursuant to this section, shall have been approved. (Ord. No. 2001-13, § 1; Ord. No. 2002-6, § 2.)

Sec. 19-10. Overhead charge; civil penalties.

(a) Whenever a nuisance is abated by the city, the police department shall keep an accurate account of all expenses incurred, including an overhead charge of twenty-five percent for administration and a civil penalty of two hundred dollars for each nuisance abated.

(b) When the city has abated a nuisance maintained by any owner of real property, for each subsequent nuisance that is abated by the city within two consecutive calendar years concerning real property, owned by the same

person, an additional civil penalty of fifty percent minimum of fifty dollars, of the cost of abatement shall be added to the costs, charges and civil penalties provided for in subsection 19-10(a). The civil penalty shall be imposed without regard to whether the nuisances abated by the city involve the same real property or are of the same character. (Ord. No. 2001-13, § 1.)

Sec. 19-11. Criminal penalties.

Whenever a nuisance has not been abated by the owner as required under section 19-4 or 19-5 or by the city pursuant to section 19-6, the owner may be cited by the police department and upon conviction of failing to timely abate a nuisance shall be deemed guilty of a misdemeanor and subject to a fine of up to seven hundred fifty dollars or imprisonment not to exceed six months, or both. (Ord. No. 2001-13, § 1.)

Sec. 19-12. 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. The city council declares that it would have adopted the ordinance codified in this chapter and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional. (Ord. No. 2001-13, § 1.)

Chapter 20

OFFENSES--MISCELLANEOUS*

§ 20-1. Aircraft in flight--Loud and unnecessary noise; dropping paper, etc., from aircraft.
§ 20-2. Tobacco--Purchase, possession or use by minor prohibited.
§ 20-3. City employees generally--Interference with work, molesting equipment, etc.
§ 20-4. City property--Injuring, etc.
§ 20-5. Same--Posting bills.
§ 20-6. Same--Occupying without lease, etc.
§ 20-7. Same--Fires in streets, etc.
§ 20-8. Same--Removal of sod, gravel, etc.
§ 20-9. Same--Interference with electric light system.
§ 20-10. Disorderly conduct and disturbing the peace.
§ 20-11. Disorderly Places
§ 20-12. Drunkenness.
§ 20-13. Exploding combustibles, etc.
§ 20-14. False alarm of fire.
§ 20-15. Falsely calling for police protection.
§ 20-16. Gambling--Prohibited generally.
§ 20-17. Same--Liability of owner or occupant of premises.
§ 20-18. Ice boxes, refrigerators, etc. --Removal of doors, locks, etc., upon abandonment.
§ 20-19 Repealed.
§ 20-20 Repealed.
§ 20-21 Repealed.
§ 20-22. Malicious mischief.
§ 20-23. Narcotics-Sale, use, possession, etc.
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§ 20-24. Peeping Toms.
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§ 20-28. Right of entry, etc., into certain premises.
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§ 20-29. Vagrancy.
§ 20-30. Curfew--Children under sixteen years of age.
§ 20-31. Curfew--Liability of parents, etc.
§ 20-32. Attempt; Conspiracy; Renunciation of Criminal Intentions

* As to general offenses in connection with the operation of the Municipal Airport, see § 18-22 of this Code.

Sec. 20-1. Aircraft in flight--Loud and unnecessary noise; dropping paper, etc., from aircraft.*

When any aircraft is in flight above the city, the pilot thereof, or any other person therein, shall not make or cause any loud or unnecessary noise to be made by such aircraft, its motor, or any apparatus attached to or contained in such aircraft; nor shall such pilot, or other person, permit the use of any radio, mechanical device or apparatus for the intensification or amplification of the human voice or any sound or noise for advertising purposes. Such pilot or any other person therein shall not drop or release any paper or advertising matter therefrom. (Ord. No. 420.)

* For regulations in connection with the operation of the Municipal Airport, see Ch. 18 of this Code.

Sec. 20-2. Tobacco--Purchase, possession or use by minor prohibited.

(a) No person under the age of eighteen years shall purchase tobacco products, or misrepresent his or her identity or age, or use any false or altered identification for the purpose of purchasing tobacco products.

(b) It is unlawful for any person under the age of eighteen years to possess or use any tobacco products.

(c) It is an affirmative defense to a prosecution under subsection (b) of this section that the defendant possessed or used the tobacco product in the home of, or under the direct supervision of, his parent or guardian.

(d) No individual shall sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen years.

(e) Any person who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-11 of this Code. (Ord. No. 93-11, § 1; Ord. No. 2002-16.)

Sec. 20-3. City employees generally--Interference with work, molesting equipment, etc.*

No person shall interfere in any way with any city employee in the performance of his work, nor displace any stakes or landmarks deposited or installed by any employee, nor in any way molest any tools, instruments or equipment of any employee, nor in any way molest any tools, instruments or equipment used by such employee in the duties assigned to him. (1960 Comp. Ords., § 1-907.)

* As to interfering with fire department while in the pursuit of their duty, see § 10-3 of this Code. As to obstructing, resisting arrest, aiding persons to escape custody, see § 24-6.

Sec. 20-4. City property--Injuring, etc.*

(a) No person shall injure, damage, destroy or deface any tree, shrub, plant, flower, lawn, fence, bridge, street, alley, curb, gutter, sidewalk, water line, sewer line, electrical line, equipment, tool, or any other property, improvement, building or structure of the city.

(b) The city may post regulations regarding conduct on city property. Any person who violates a posted regulation is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-11 of this code. (1960 Comp. Ords., § 1-901; Ord. No. 96-15, § 2(part); Ord. No. 2003-08, § 1.)

* As to tampering with gas system, see § 12-14 of this Code. As to tampering, etc., with parking meters, see § 17-61. As to tampering with water meters, see § 33-42. As to damage to sidewalk, curb and gutter, see § 29-22. As to tampering, etc., with fire hydrants, see § 33-32. As to injur ing, etc., any property at the Municipal Airport, see § 18-32.

Sec. 20-5. Same--Posting bills.*

No person shall affix any placard or other paper upon any structure within or upon any property of the city, nor upon any such fence or enclosure thereof. (1960 Comp. Ords., § 1-902.)

* As to posting advertisements at the Municipal Airport, see § 18-21 of this Code.

Sec. 20-6. Same--Occupying without lease, etc.

No person shall occupy any land owned by the city, within or outside of the city limits, for any purpose whatsoever, without first having secured a lease or other official agreement from the city council, to so occupy. (1960 Comp. Ords., § 1-906.)

Sec. 20-7. Same--Fires in streets, etc.

It shall be unlawful for any person to burn leaves or branches from trees or shrubbery, or trash or refuse of any kind, upon any of the streets or alleys or any public property of the city. (1960 Comp. Ords., § 1-905)

Sec. 20-8. Same--Removal of sod, gavel, etc.

No person shall dig, remove or cause to be removed any sod, stone, earth, sand or gravel, from any street, alley or public ground in the city, without first having obtained permission therefor of the mayor or council. (1960 Comp. Ords., § 1-904.)

Sec. 20-9. Same--Interference with electric light system.*

No person other than the authorized officials or employees of the city shall fasten or attach any device or other thing to any electric light pole or line or in any manner interfere with or molest the electrical distribution system of the city. (1960 Comp. Ords., § 1-908.)

* As to interference with wiring, etc., by unlicensed persons, see § 9-11 of this Code.

Sec. 20-10 Disorderly conduct and disturbing the peace.*

Any person, who, within the limits of the city, shall make any unusual or improper clamor or noise, or shall conduct himself in a boisterous, tumultuous or offensive manner, or shall quarrel or fight with another, or shall aid or abet in any fight, or shall ask, invite or defy another to fight or quarrel, or shall curse, swear at, or wrangle with another, or shall use any insulting, indecent, vile, obscene or immoral language, or shall conduct himself in an indecent or immoral manner, or shall be engaged in any illegal or improper diversion, or shall make any improper disturbance or riot, or aid or abet therein, or shall disturb any lawful assemblage of people by rude, or indecent behavior or otherwise, or shall conduct himself in any disorderly manner whatever, shall be deemed guilty of disturbance of the peace.

Any person who collects or stands in crowds or loiters about or obstructs the free and uninterrupted passage of any sidewalk in the city, or in any hall, stairway, vestibule, or passageway leading to any store, office, courtroom or public hall or building in the city, and any person who sits and lounges on sidewalks or sills and bases of building abutting on sidewalks within the city, or sits and lounges partially on such sidewalks and partially on such sills, and any person who loiters or leans on vehicles parked at the curb, shall be deemed guilty of disorderly conduct. (1960 Comp. Ords., § 8-201, 8-203)

* For state law as to authority of city in connection with this section, see 1957, § 15.1-3 (15), (16). As to breach of the peace generally, see W.S., 1957, § 6-114.

Sec. 20-11. Disorderly Places.

(a) Any keeper of an inn, bowling alley, poolroom, saloon, liquor store, or other public place, who shall keep any common or ill governed or disorderly house, or who

shall knowingly suffer any drunkenness, quarreling, fighting, unlawful games or riotous games, or disorderly conduct whatever on his premises, shall be deemed guilty of disturbance of the peace, and if such person is licensed under this Code, such license may be revoked by the city council upon conviction of such person in the police court of the city for violating the provisions of this section. (1960 Comp. Ords., § 8-104)

(b) It is unlawful for any person being the owner occupant, tenant or guest of an owner, occupant or tenant of any private home, apartment, or other residential unit of any kind whatever, whether temporary or permanent, to knowingly suffer any conduct thereon with knowledge or probable cause to believe that said conduct will disturb the peace of any other person, and the owner, tenant, occupant or guest of an owner, tenant or occupant of any such premises on which such disturbances occur, shall be presumed to have knowingly suffered the same.

Sec. 20-12 Drunkenness.*

No person shall be drunk, or in a state of intoxication, upon any street or thoroughfare, or in any public place, vehicle or place within the city. (1960 Comp. Ords., § 8-205.)

* For state law as to authority of city in connection with intoxication, see W.S., 1957, § 15.1-3 (16).

As to driving under the influence of liquor, see § 17-38 of this Code. As to sale of alcoholic beverages to habitual drunkards, see § 3-8.

Sec. 20-13 Exploding combustibles, etc.*

No person shall explode or discharge any combustibles or explosives in the city. (1960 Comp. Ords., § 8-501.)

* For fire protection regulations generally, see ch. 10 of this Code.

Sec. 20-14 False alarm of fire.*

No person shall turn in or cause to be turned in a false alarm of fire. (1960 Comp. Ords., § 10-109.)

* For fire protection regulations generally, see ch. 10 of this Code.

Sec. 20-15. Falsely calling for police protection.*

Any person who out of mischief, meanness, revenge, for a joke, or for other unnecessary reasons, calls by telephone or other means, the police force or the chief of police or any police officer thereof, to any place, falsely pretending, or falsely giving such officer or officers to understand that he is needed or wanted in any place as such officer, shall be deemed guilty of disorderly conduct. (1960 Comp. Ords., § 8-606.)

* For regulations generally concerning the police department, see ch. 24 of this Code.

Sec. 20-16. Gambling--Prohibited generally.*

No person shall deal, play, carry on, open, or cause to be opened, or conducted, either as owner or employee, whether for hire or not, any slot machine, game of faro, monte, roulette, lansquenet, rondo, vingt-et-un, commonly known as twenty-one, keno, props, or any other game played with cards, dice or other device of whatever nature, for money, checks, credit, or other representatives of value. (1960 Comp. Ords., § 8-401.)

* As to persons operating pool halls, bowling alleys and card tables violating the provisions of this and the following section, see § 4-3 of this Code. As to gambling prohibited by persons operating card tables, see § 4-6. As to compliance with this and the following sections before issuing a soft drink dealer's license, see § 27-5.

Sec. 20-17. Same--Liability of owner or occupant of premises.

Any person, being the owner, or occupant, in whole or in part, of any room, tent, booth or vehicle or building of any kind, wherein any form of gambling is conducted, shall also be deemed guilty of violating section 20-16, and shall be punished as provided in section 1-11. In any prosecution for a violation under this section, it shall only be necessary to prove that such game has been carried on and that the accused is the owner or occupant of the building, vehicle, or enclosure or premises, within or upon which such violation occurred. (1960 Comp. Ords., § 8-402.)

Sec. 20-18. Ice boxes, refrigerators, etc.--Removal of doors, locks, etc., upon abandonment.

It is unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator or other container which has an airtight door or lid, snaplock or other locking device, which may not be released from the inside, without first removing the door or lid, snaplock or other locking device from such ice box, refrigerator or container. (1960 Comp. Ords., § 25-101.)

Sec. 20-19 Repealed by Ord. No. 83-25.
Sec. 20 Repealed by Ord. No. 83-25.
Sec. 21 Repealed by Ord. No. 83-25.

Sec. 20-22. Malicious mischief.

It is unlawful for any person within the city to wantonly, mischievously, maliciously or wilfully take, steal, damage or destroy the property of another. (1960 Comp. Ords., § 8-206; Ord. No. 95-5, § 1.)

Sec. 20-23. Narcotics--Sale, use, possession, etc.*

It is unlawful for any person, not so authorized by law, to be in possession of, use, sell, barter, give away, or in any manner distribute: Marijuana, cocaine, opium, chloral hydrate, or any other narcotic, opiate or drug or derivatives of any of them, or any product, the effect of which is to induce sleep or delirium.

Any person who shall be the owner, agent, or occupant of any building, place or premises, within or upon which, whether with or without his knowledge, any of such products, drugs, or derivatives or any of them, are found, kept, sold, handled or used in any way whatsoever not authorized by law, shall be deemed guilty of a misdemeanor. (1960 Comp. Ords., § S 8-301, 8-302.)

* For state law as to the Uniform Narcotic Drug Act, see W.S., 1957, §§ 35-348, 35-371.

As to driving a vehicle under the influence of narcotics, see § 17-38 of this Code.

Sec. 20-23-1. Drug Paraphernalia.

It is unlawful for any person to use or possess with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this ordinance.

Sec. 20-24. Peeping Toms.

It shall be unlawful for any person to invade, or attempt to invade, the privacy of another person by resorting to "peeping," which is hereby defined as the stealthy, clandestine or surreptitious visual invasion, or attempted visual invasion, of a person's privacy. (1960 Comp. Ords., § 8-207.)

Sec. 20-25. Poison--Labeling, etc.*

It shall be unlawful for any person to possess, sell, barter, give away or in any manner distribute any deadly poison without having the same plainly labeled "poison." A written record shall be kept of all purchasers of such poison. (1960 Comp. Ords., § 8-302.)

* For state law as to labeling poisons, see W.S., 1957, § 33-319

Sec. 20-26. Prisoners--Aiding in escape.

It shall be unlawful for any person to assist, aid or to attempt to aid any person confined in the city jail or other place wherein prisoners may be confined for violating city ordinances to escape from such jail or place or other place of confinement. (1960 Comp. Ords., § 8-604.)

Sec. 20-27. Same--Delivering articles to without permission.

It shall be unlawful for any person to take into the city jail, or deliver to any prisoner, any weapon, tool, intoxicating drink, or other article, or attempt to do so, without the consent of the officer in charge of such prisoner. (1960 Comp. Ords., § 8-605.)

Sec. 20-28. Right of entry, etc., into certain premises.

The mayor, city council, chief of police or any police officer of the city shall have the authority at any time to enter any place, room, vehicle or premises which they have reason to believe are being used for gambling or immoral purposes. Such officials or officers may lawfully enter or cause same to be entered, by force, by breaking doors or otherwise and cause the arrest, with or without warrant, of all suspicious persons found herein. (1960 Comp. Ord., S 8-105.)

Sec. 20-28.1. Shoplifting; altering or removing price tags and markers.

(a) A person who wilfully conceals or takes possession of property offered for sale by a wholesale or retail store or other mercantile establishment, without the knowledge or consent of the owner and with intent to convert the property to his own use without paying the purchase price is guilty of shoplifting.

(b) A person who alters, defaces, changes or removes a price tag or marker on or about property offered for sale by a wholesale or retail store, or other mercantile establishment, with intent to obtain the property at less than the marked or listed price is guilty of a misdemeanor.

A peace officer, merchant or merchant's employee who has reasonable cause to believe a person is violating the provisions of this section may detain and interrogate the person in regard to the suspected violation in a reasonable manner and for a reasonable time. In a civil or criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon a detention and interrogation pursuant to this section, it is a defense that the peace officer, merchant or merchant's employee has reasonable cause to believe the person was violating this section and the detention and interrogation were conducted in a reasonable manner and for a reasonable time. (Ord. No. 90-16, § 1.)

Sec. 20-29. Vagrancy.*

Every idle and dissolute person without visible or known means of living, who has the physical ability to work, and who does not make the proper inquiry for, and use due diligence to secure employment, or labor, when employment is offered to him, also every person who shall:

(a) Beg or solicit alms;

(b) Roam from place to place without definite lawful business;

(c) Roam the streets at late or unusual hours;

(d) Lead an idle, immoral or dissolute life;

(e) Associate with people of known bad character;

(f) Lodge in any shed, shop, public park, or place other than kept for lodging thereof;

(g) Loiter about any hotel, rooming house, liquor store or saloon without any lawful means of support; is deemed to be a vagrant and guilty of vagrancy. (1960 Comp. Ords., § 8-204.)

* For state law authorizing the city to restrain and punish vagrants, see W.S., 1957, § 15. 1-3 (15). As to definitions of vagrants, see W.S., 1957, § 6-221.

Sec. 20-30. Curfew--Children under sixteen years of age.

It is unlawful for any minor child under the age of sixteen years to be present, loiter, idle, wander, stroll, walk, run or play in or about the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places after eleven p.m. until five a.m., except that on Friday and Saturday throughout the year, and on every night during the months of June, July and August, such curfew time shall be extended to twelve p.m. until five a.m. Provided, however, that the provisions of this section do not apply to:

(a) A minor accompanied by his or her parent or guardian;

(b) A minor performing his or her employment or going to or returning home from, without any detour or stop, his or her place of employment;

(c) A minor attending an official school or religious activity or going to or returning home from, without any detour or stop, an official school or religious activity. (Ord. No. 95-4, § 1(part).)

Sec. 20-31. Curfew--Liability of parents, etc.

Any parent, guardian, or other adult person having the care and custody of a minor child under the age of sixteen years who knowingly shall permit such child to be upon the public streets, highways, roads, alleys, park, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places in violation of section 20-30 shall be deemed guilty of wilful neglect of such child as a misdemeanor. Any violations of section 20-30 will be deemed prima facie evidence of willful neglect as set out in this section. (Ord. No. 95-4, § 1(part).)

Sec. 20-32. Attempt; Conspiracy, Renunciation of Criminal Intention.

Section 1. Attempt; renunciation of criminal intention.

(a) A person is guilty of an attempt to violate an existing ordinance if:

(i) With the intent to violate the ordinance, he does any act which is substantial step towards commission of the same. A “substantial step” is conduct which is strongly corroborative of the firmness of the person’s intention to complete the ordinance violation; or

(ii) He intentionally engages in conduct which would constitute the violation had the attendant circumstances been as the person believes them to be.

(b) A person is not liable under this section if, under circumstances manifesting a voluntary and complete renunciation of his criminal intention, he avoided the commission of the violation attempted by abandoning his criminal effort. Within the meaning of this subsection, renunciation of criminal purpose is not voluntary if it is motivated, in whole or in part, by circumstances, not present or apparent at the inception of the person’s course of conduct, which increase the probability of detection or apprehension or which make more difficult the accomplishment of the criminal intention. Renunciation is not complete if it is motivated by a decision to postpone the criminal conduct until a more advantageous time or to transfer the criminal effort to another but similar objective or victim.

Section 2. Conspiracy; renunciation of criminal intention.

A person is guilty of conspiracy to violate an existing ordinance if he agrees with one (1) or more persons that they or one (1) or more of them will commit a

violation and one (1) or more of them does an overt act to effect the objective of the agreement.

(a) A person is not liable under this section if after conspiring he withdraws from the conspiracy and thwarts its success under circumstances manifesting voluntary and complete renunciation of his criminal intention.

(b) A conspiracy may be prosecuted by the City if the agreement was entered into, or any act evidencing the conspiracy or furthering the purpose took place within the city limits.

Section 3. Grading.

The penalty for attempt or conspiracy is the same as the penalty for the crime which is attempted or is an object of the conspiracy.

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Chapter 20.1

OFF-STREET PARKING FACILITIES

§ 20.1--1. Maintenance of required facilities generally; exemption.
§ 20.1--2. Building permits.
§ 20.1--3. Facilities for new or enlarged structures or uses; joint facilities.
§ 20.1--4. Reconstructed structures; changes of use
§ 20.1--5. Existing structures.
§ 20.1--6. Covenants.
§ 20.1--7. Maintenance of facilities for existing structures or uses.
§ 20.1--8. Penalty for failure to maintain facilities.
§ 20.1--9. Residential zones.
§ 20.1--10. Parking between front property and setback lines.
§ 20.1--11. Variances.

Sec. 20.1--1. Maintenance of required facilities generally; exemption.

No person shall fail to maintain the parking facilities required to be provided by this chapter, or by any applicable provision, or by any variance or use permit heretofore or hereafter granted by the council or the planning and zoning commission. Provided, however, this chapter for off-street parking facilities shall not be applicable to the downtown overlay area described and delineated as follows:

From 10th Street to 16th Street, and from the half block south of Sheridan Avenue to the half block north of Sheridan Avenue. (Ord. No. 74-17, § 1; Ord. No. 2001-06, § 1.)

Sec. 20.1--2. Building permits.

No building permit shall be issued until the applicant has presented satisfactory evidence to the building inspector that the parking and loading facilities required by the provisions of this chapter will be provided and maintained. Such evidence shall include, but not be limited to, detailed plans and specifications of the proposed off-street parking and loading facilities. Such plans and specifications shall show conformance to the requirements of the building code and to the minimum parking standards (Ord. No. 74-17, § 2.)

Sec. 20.1--3. Facilities for new or enlarged structures or uses; joint facilities.

At the time of the erection of a structure or the establishment of a use, there shall be provided and thereafter maintained off-street parking facilities to accommodate the motor vehicles used by the occupants, customers, clientele and employees of such structure or use. Such off-street parking spaces shall be used exclusively for off-street parking purposes. Such off-street parking shall be upon the premises served. For any structure or use enlarged or increased in capacity, additional parking facilities shall be required only for such enlargement or increase. The aggregate amount of required parking space for each type of use shall be not less than:

a) Single family dwellings: Two spaces. Multiple family dwellings, two spaces per two-bedroom unit and two and one-half spaces per three or more bedroom units.

b) Motels, hotels, rooming houses and structures of similar use: One space per rentable room or unit plus one space for each regular employee.

c) Public assembly areas with fixed seats, including but not limited to theaters, auditoriums and churches: One space per three seats.

d) Elementary schools: One and one-half spaces per classroom; junior high schools: Two spaces per classroom; high schools: Six spaces per classroom.

e) Public or private assembly area without fixed seats: One space per twenty-five square feet of such area.

f) Eating and bar facilities in any one structure or on any one site when the total dining and bar areas do not exceed one thousand square feet must comply with the requirements of subsection (e) of this section; one space per forty-five square feet of eating and bar area for the next eight thousand square feet of such area and one space per sixty-five square feet of eating and bar area for the area in excess of nine thousand square feet.

g) Commercial, manufacturing and industrial uses: Must provide off-street parking for each person involved in the operation and the average number of business invitees it will have at any one time.

h) Warehouse uses: One space per fifteen hundred square feet of floor area.

i) New or used automobile and equipment storage: Adequate off-street parking shall be provided for all new and used automobiles and equipment whether for sale or storage. Parking shall also be provided for each employee and the average number of business invitees it will have at any one time.

For uses requiring a special use permit, the requirement for off-street parking for a use which is so mentioned and to which such use is similar shall apply but shall be not less than one parking space per five hundred square feet floor area. For uses requiring a special use permit, the requirements for off-street parking shall be specified in connection with any special use permit which may be granted.

For mixed uses, that is, a combination for the uses specified by this section, the total requirement for off-street parking shall be the sum of the requirements for the various uses.

The determination of the type of use and the requirement for each use, or combination thereof, shall be an administrative function of the building inspector, subject to the provisions of this section.

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The planning and zoning commission may authorize the joint use of parking facilities under the following conditions:

(1) Up to fifty percent of the parking facilities of a use considered to be primarily a daytime use may be used to satisfy the parking facilities required by this section for a use considered to be primarily a nighttime use.

(2) A covenant as described in section 20.1-6 shall be recorded in the office of the county recorder, which covenant may include such reasonable conditions as the planning and zoning commission may impose.

When more than seventy-five percent of a structure has been replaced or reconstructed over a period of less than five years or when a use of property is changed to a more restrictive classification, such structure or use shall be subject to the parking requirement of this section for new structures or uses. (Ord. No. 74-17, § 3; Ord. No. 79-17, § 1.)

Sec. 20.1-4. Reconstructed structures; changes of use.

When more than seventy-five percent of a structure has been replaced or reconstructed over a period of less than five years or when a use of property is changed to a more restrictive classification, such structure or use shall be subject to the parking requirements of section 20.1-3 of this chapter for new structures or uses. (Ord. No. 74-17, § 5.)

Sec. 20.1-5. Existing structures.

Off-street parking facilities which are being maintained on the same regularly subdivided lot with, and in connection with the use of, any existing structure shall be maintained so long as such structure remains unless equivalent facilities are provided on the same lot or covenanted in accordance with the provisions of section 20.1-6. Nothing contained in this section shall affect or limit the requirements of sections 20.1-1 or 20.1-7. (Ord. No. 74-17, § 6; Ord. No. 79-17, § 3.)

Sec. 20.1-6 Covenants.

When parking is to be provided off the regularly subdivided lot on which the structure, or some portion thereof, is located, the owner or lessee of record of the development size shall furnish satisfactory evidence to the building inspector that he owns or has available sufficient property to provide the minimum off-street parking required by the provisions of section 20.1-3 of this chapter. Whether parking is to be provided in property owned by the applicant or is in another ownership, there shall have been recorded in the office of the county recorder, prior to the issuance of any building permit, a covenant executed by the owners of such property for the benefit of the city, in a form approved by the city council, to the effect that the owners will continue to maintain such parking space so long as such structure or improvement exists.

Such covenant shall also recite that the title to and right to use the lots upon which the parking space is to be provided will be subservient to the title to the premises upon which the structure is to be erected and shall warrant that such lots are not and will not be made subject to any other covenant or contract for such use without the prior written consent of the city council. In the event the owners of such structure should thereafter provide parking space equal in area within the same distance and under the same conditions as to ownership upon another lot than the premises made subservient in a prior such covenant, the city council will, upon written application therefor, accompanied by the filing of a similar covenant, release such original subservient premises from such prior covenant, and the owners shall furnish at their own expense such title reports or other evidence as the city council may require to insure compliance with the provisions of this section. (Ord. No. 74-17, § 7.)

Sec. 20.1-7. Maintenance of facilities for existing structures or uses.

Off-street automobile parking spaces required by this chapter shall be maintained so long as the structure or use for which they are provided exists, unless an equivalent substitute number of such spaces is provided and thereafter maintained conforming to the requirements of section 20.1-3. In no event shall parking facilities which are provided or maintained for a structure or use be considered as providing any of the required space for any other structure or use. (Ord. No. 74-17, § 8.)

Sec. 20.1-8. Penalty for failure to maintain facilities.

In the event any off-street parking facilities, in connection with any structure or use, are at any time not maintained for automobile parking purposes to the extent required, the building inspector shall revoke and cancel the certificate of occupancy theretofore issued for such structure after holding a hearing upon at least ten days written notice of the time, place and purpose of the hearing having been mailed to the owner or other person occupying the same as shown on the records of the city clerk or the building inspector; provided, that if it appears that the failure to maintain such required parking was reasonably beyond the control of the person required to maintain the same, no certificate of occupancy shall be revoked until such person shall have had at least ninety days to reestablish the minimum required parking. In the event any certificate of occupancy is revoked, the premises covered thereby shall not be occupied or used for any purpose until a new certificate of occupancy has been issued. (Ord. No. 74-17, § 9.)

Sec. 20.1-9. Residential zones.

Nothing contained in this chapter shall be deemed or construed to allow the use of property situated in a residential zone for any commercial parking purpose, and it shall be unlawful for any person to use property in a residential zone for parking purposes except in connection with, or as an accessory use to, the use of such property for residential purposes or other permitted uses. (Ord. No. 74-17, § 10.)

Sec. 20.1-10. Parking between front property and setback lines.

Required off-street parking spaces may not be located between the front property line and the setback line established by the zoning ordinance; provided, that if the setback exceeds fifteen feet, required off-street parking spaces may be located beyond fifteen feet from the front property line.

In any zoning district where a residential use is established, the required off-street parking shall not be allowed within the required front yard area or, in the case of a residential use on a corner lot, the required off-street parking shall not be allowed within the required yard area on either of the street sides of the lot. (Ord. No. 74-17, § 11; Ord. No. 80-2 1, § 1.)

Sec. 20.1-11. Variances.

The city council may, by a majority vote, vary or adjust the strict application of any of the requirements of this chapter where physical conditions applying to a lot or building area are such that strict application would result in practical difficulty or unnecessary hardships that would prevent the owner or occupant of the reasonable use of the land or building involved. However, before granting such a variance, the city council shall first refer the application for variance to the planning and zoning commission for their study and recommendation. Consideration may be given for any monetary payments made to the city for parking lots or off-street parking in lieu of providing such off-street parking as required by this chapter. (Ord. No. 79-17, § 4.)

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Chapter 21

PAWNBROKERS*

§ 21-1. Definitions.
§ 21-2. Record of property received--Required--Content, preservation of records and notification.
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* For state law as to pawnbrokers, see W.S., 1957, § 33-73 to 33-75.
As to licensing regulations generally, see ch. 16 of this Code.

Sec. 21-1. Definitions.

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

Month. Means that period of time from one date in a calendar month to the corresponding date in the following calendar month and, if computations are made for a fraction of a month, a day shall be one-thirtieth of one month.

Pawnbroker. Means a person engaged in the business of making pawn transactions.

Pawn finance charge. Means the sum of all charges, payable directly or indirectly by the customer and imposed directly or indirectly by the pawnbroker as an incident to the pawn transaction.

Pawnshop. Means the location at which or premises in which a pawnbroker regularly conducts business.

Pawn transaction. Means the act of lending money on the security of pledged goods or the act of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed period of time.

Pledged goods. Means tangible personal property other than choses in action, securities or printed evidences of indebtedness, which property is deposited with or otherwise

actually delivered into the possession of a pawnbroker in the course of his business in connection with a pawn transaction.

Redemption period. Means that period of time from transaction date to maturity date of a pawn transaction. (Ord. No. 82-1, § 1.)

Sec. 21-2. Record of property received--Required--Content, preservation of records and notification.

(a) Every pawnbroker shall keep at his place of business an accurate detailed description of all personal property, bonds, notes and other securities received or purchased and mentioning particularly any descriptive or identifying marks that may be on such property, bonds, notes or other securities, together with the name, residence and accurate description of the person by whom they were left. Such entries must be made on the date such property is taken in using ink or indelible pencil, and no entry shall be erased or obliterated. All such records shall be clean and legible and shall be made upon special record sheets prepared for that purpose, which shall be approved by the city clerk. On Monday of each week a copy of the record sheets for the preceding seven-day period shall be delivered to the chief of police.

(b) Persons subject to this chapter shall file notification with the Administrator of the Wyoming Uniform Consumer Credit Code and pay fees, pursuant to the provisions of Article 6, Part 2, of the Code.

(c) All books and records shall be kept in accordance with accepted accounting practices and such records shall be preserved or made available in this state for a period of four years from date of the transaction, or two years from final entry made thereon, whichever is later. (Ord. No. 82-1, § 1.)

Sec. 21-3. Rates regulated.

(a) No pawnbroker may contract for, charge or receive any amount as a charge in connection with a pawn transaction other than a pawn finance charge. No pawn finance charge shall exceed twenty percent per month on the unpaid principal balance of the pawn transaction.

(b) The amount financed in any one pawn transaction to any one customer shall not exceed three thousand dollars.

(c) Except in the case where a minimum charge is contracted for, not more than one-half of the pawn finance charge for the two-month maturity period may be considered to be earned at the time the transaction is entered into and is not subject to refund in the event of prepayment. Following expiration of the first month from transaction date, and upon entering the second month of the transaction, the second month's charge accrues and may be considered to be earned at that time.

(d) At all times there shall be on display in plain sight a fourteen-inch by twenty-inch poster setting forth the interest rates and charges being made by the pawnbroker pursuant to this section. (Ord. No. 82-1, § 1; Ord. No. 83-6.)

Sec. 21-4. Disclosure and advertising.

(a) Information to be disclosed shall be made pursuant to applicable provisions of Federal Reserve Regulation Z of the Truth In Lending Act and the Wyoming Uniform Consumer Credit Code.

(b) A pawnbroker shall not engage in false or misleading advertising concerning the terms or conditions of credit with respect to a pawn transaction. Advertising which complies with the Federal Consumer Credit Protection Act does not violate this subsection. (Ord. No. 82-1, § 1.)

Sec. 21-5. Limitation on agreements and practices.

(a) Even though a pawn transaction subject to this chapter creates a debtor--creditor relationship, no pawnbroker shall make any agreement requiring personal liability to a customer in connection with a pawn transaction, and no customer has an obligation to redeem pledged goods or make any payment on a pawn transaction. The only recourse of a pawnbroker where the customer has pledged goods is to the pledged goods themselves.

(b) The maturity date of a loan or redemption or re-purchase agreement on a bond transaction shall be thirty days. (Ord. No. 82-1, § 1; Ord. No. 86-2, § 1.)

Sec. 21-6. Prohibited practices.

No pawnbroker shall:

(a) Divide or separate a pawn transaction into two or more transactions for the purpose or with the effect of obtaining a total pawn finance charge exceeding that authorized by this chapter;

(b) Accept a pledge from any person under the age of nineteen years;

(c) Accept any waiver, in writing or otherwise, or any right or protection afforded a customer under this chapter;

(d) Fail to exercise reasonable care to protect pledged goods from loss or damage;

(e) Fail to return pledged goods to a customer upon payment of the full amount due the pawnbroker on the pawn transaction; or

(f) Make any charge for insurance in connection with a pawn transaction. (Ord. No. 82-1, § 1.)

Sec. 21-7. Penalties.

(a) Any person who violates any provision of this chapter, including engaging in the business of operating a pawnshop without first securing the licenses prescribed under section 21-8 is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-11 of this code.

(b) In addition to the penalties prescribed in subsection (a) of this section, if any person engages in the business of operating a pawnshop without first securing the licenses prescribed in section 21-8, or if any pawnbroker contracts for, charges or receives a pawn finance charge in excess of that authorized by this chapter, the pawn transaction shall be void and the customer is not obligated to pay either the amount financed or the pawn finance charge in connection with the transaction. Upon the customer's demand, the pawnbroker is obligated to return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. If a customer is entitled to a refund under this section and a pawnbroker liable to the customer refuses to make a refund within a reasonable time after demand, the customer shall have an action against the pawnbroker and in the case of a successful action to enforce such liability, the costs of this action together with the attorney's fees as determined by the court shall be awarded the customer.

(c) A pawnbroker who fails to disclose information to a customer entitled to information required to be given, pursuant to section 21-4, is liable to that person in an amount equal to the sum of:

(1) Twice the amount of the pawn finance charge in connection with the transaction; or

(2) Two hundred dollars whichever is greater; and

(3) In the case of a successful action to enforce the liability under this subsection, the cost of the action together with reasonable attorney's fees as determined by the court. (Ord. No. 82-1, § 1.)

Sec. 21-8. License required.

(a) No person shall at any time carry on the business of a pawnbroker without making application for and obtaining a city license therefor and paying in advance the annual license fee of one hundred dollars.

(b) Unless a person has first obtained a license from the Administrator of the Wyoming Uniform Consumer Credit Code, authorizing him to engage in business of making supervised loans (Section 40-14-341(a) Wyoming Statutes, 1977), he shall not engage in business as a pawnbroker. (Ord. No. 82-1, § 1.)

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Chapter 22

PEDDLERS AND TRANSIENT MERCHANTS

Article I Peddlers

§ 22-1. Declared nuisance, unlawful.
§ 22-2. Police to enforce.

Article II Temporary or Transient Merchants

§ 22-3. Definitions.
§ 22-4. Unlawful to do business without license.
§ 22-5. License--Application--Fee--Record to be kept.
§ 22-6. Penalty.

Article I Peddlers

Sec. 22-1. Declared nuisance, unlawful.

The practice of going in and upon private residences in the city by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise not having been requested or invited to do so by the owner or owners, occupant or occupants of said private residence, for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance and unlawful. This section shall not apply to local charitable, religious or educational organization members actually going in and upon private residences for the purposes hereinabove specified. (Ord. No. 88-10, § 2 (part).)

Sec. 22-2. Police to enforce.

The chief of police and police department of the city are hereby required and instructed to suppress any nuisance as described in section 22-1 above. (Ord. No. 88-10, § 2 (part).)

Article II Temporary or Transient Merchants

Sec. 22-3. Definitions.

The words "temporary or transient merchant" for the purposes of this article shall include all persons, firms and corporations, both as principal and agent, who engage in, do or transact any temporary or transient business, either in one locality or more or by traveling from one or more places in this city, selling goods, wares or merchandise and who for the purpose of carrying on such business

hire, lease or occupy a building, structure or car, for the exhibition and sale of such goods, wares or merchandise. (Ord. No. 94-7, § 1(part).)

Sec. 22-4. Unlawful to do business without license.

It is unlawful for any temporary or transient merchant to engage in, do or transact any business within the city without having first obtained a license from the city clerk as provided in this article. (Ord. No. 94-7, § 1(part).)

Sec. 22-5. License--Application--Fee--Record to be kept.

(a) Any temporary or transient merchant desiring to engage in, do or transact business in the city shall file an application for license for that purpose with the city clerk which application shall state his name, his proposed place of business, the kind of business proposed to be conducted and the length of time for which he desires to conduct business. Except as provided by subsection (b) of this section, the temporary or transient merchant shall pay to the city a license fee of three hundred dollars. The city clerk shall issue to the temporary or transient merchant a license to do business at the place described in the application and the kind of business to be done shall be described in the license. A duplicate copy of the license shall be given by the city to the Park County Clerk at the time of issuance. No license shall be good for more than one person, unless the person shall be the member of a copartnership, nor for more than one place of business, and shall be good for a period of one year from the date of its issuance. The city clerk shall keep a record of the licenses in a book which shall at all times be open to public inspection.

(b) The license fee of three hundred dollars under subsection (a) of this section may be modified by the city council for an event, a fair or a celebration. The modification shall apply to all transient merchants conducting business at the event, fair or celebration. The city council shall notify the city treasurer of the modification. The city clerk shall issue a license that describes the event, fair or celebration and the kind of business to be done. The license shall be good only for the event, fair or celebration and only for the kind of business identified. The city clerk shall keep a record of the modified licenses for an event, fair or celebration in a book that is open to public inspection at all times. (Ord. No. 94-7, § 1(part).)

Sec. 22-6. Penalty.

Any person, firm, entity or corporation violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided in section 1-11 of the Cody City Code. (Ord. No. 94-7, § 1(part).)

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Chapter 23

TREES, PLANTS AND SHRUBS*

§ 23-1. Definitions.
§ 23-2. Tree size and species.
§ 23-3. Distance from street corners and fire hydrants.
§ 23-4. Distance from curbs and public sidewalks.
§ 23-5. Utilities.
§ 23-6. Public tree care.
§ 23-7. Pruning; corner clearance.
§ 23-8. Application/Permit for trees located in the right-of-way.
§ 23-9. Tree topping.
§ 23-10. Dead or diseased tree removal on private property.
§ 23-11. Trees already in place.
§ 23-12. Improper planting.
§ 23-13. Arborist license and bond.
§ 23-14. Interference with city tree board.
§ 23-15. Review by the city council.
§ 23-16. Penalty.
§ 23-17. Conflict with other ordinances.

* Editor's Note: A former ch. 23 was repealed by Ordinance No. 79-9.

Sec. 23-1. Definitions.

(a) Street trees. "Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation lying in the city right-of-way.

(b) Right-of-way. "Rights-of-way" are herein defined as a strip of land occupied or intended to be occupied by a street, sidewalk, crosswalk, alley, shade tree or for another special use.

(c) Public sidewalks. "Public sidewalks" are herein defined as sidewalks located within the city right-of-way.

(d) Park trees. "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

(e) Public trees. "Public trees" are herein defined collectively as all street trees, park trees and any other trees located on public property.

(f) City tree board. "The city tree board" is herein defined as a group consisting of the parks director and/or one of his representatives, and up to six members at large who are residents or conduct business in Cody and are appointed by the mayor with the approval of the city council.

(1) The term of the members other than that of the parks director or his representative, shall be two years except that the term of half of the initial at large appointees will be for one year. In the event of a vacancy during the term of any appointed member, his successor shall be appointed by the mayor for the unexpired portion of the term.

(2) At large members of the board shall serve without compensation.

(3) It shall be the responsibility of the city tree board to study, investigate, counsel, and develop written standards, rules and regulations for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such standards will be presented to the city council and upon their acceptance and approval, shall constitute the official city "tree rules and regulations" and shall constitute the official comprehensive city tree plan for the City of Cody, Wyoming.

(4) The city tree board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its responsibilities.

(5) The city tree board shall choose its own officers, make its own rules and regulations consistent with the provisions of this chapter and keep a journal of its proceedings. A majority of the members shall be quorum for the transaction of business. (Ord. No. 96-15, § 1.)

Sec. 23-2. Tree size and species.

The following tree size classification shall apply in subsequent sections:

Small tree	Up to twenty-five feet projected height at maturity.
Medium tree	Twenty-five to forty feet projected height at maturity.
Large trees	Over forty feet projected height at maturity.

New plantings of the following nuisance species as determined by tree board regulation shall be prohibited on the right-of-way of any street, alley or public sidewalk. Those species of trees include: elms susceptible to dutch elm disease, lombardy poplar, white poplar, weeping willow, cottonwoods, box elder, upright evergreens, Russian olive, flowering crab, mountain ash, cutleaf weeping birch, any tree, shrub or hedge which by its habit of growth cannot be maintained to a single leader or trunk, any tree, shrub or hedge which by its habit of growth would obstruct, restrict or conflict with necessary and safe use of the public right-of-way, such as upright evergreens including spruce, pine, juniper, etc. (Ord. No. 96-15, § 1.)

Sec. 23-3. Distance from street corners and fire hydrants.

No "street trees" shall be planted closer than thirty feet from any street corner, measured from the point of the nearest intersecting curbs or curb lines. No "street tree" shall be planted closer than ten feet from any fire hydrant. (Ord. No. 96-15, § 1.)

Sec. 23-4. Distance from curbs and public sidewalks.

The distance trees may be planted from curbs or curb lines and public sidewalks will be in accordance with the tree species size classes listed in section 23-2 of this chapter, and no trees may be planted closer to any curb or public sidewalk than the following: small trees-two feet, medium trees-three feet, and large trees-four feet. (Ord. No. 96-15, § 1.)

Sec. 23-5. Utilities.

No "street trees" other than the small trees described in section 23-2 of this chapter may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line (with the exception of underground irrigation systems), sewer line, transmission line or other utility. (Ord. No. 96-15, § 1.)

Sec. 23-6. Public tree care.

The city shall have the right to plant, prune, preserve and remove trees, plants and shrubs within the rights-of-way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing city utilities or to preserve the symmetry and beauty of such public grounds. The city may at its option, remove or cause to be removed any public

tree or part thereof which presents an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements. (Ord. No. 96-15, § 1.)

Sec. 23-7. Pruning; corner clearance.

The pruning and maintenance of trees that interfere with the proper spread of light of any street lamp or obstructs the view from any intersection, is the responsibility of the adjacent landowner whether the tree lies on private property or within the city right-of-way. There shall be a clear space of ten feet above the surface of the street, eight feet above sidewalks and twelve foot clearance in alleys. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.

If owners do not correct such problems, the city shall notify property owners in writing. If owners are advised of the above mentioned problems and they are not corrected within ten days, the city shall remove the problem trees or limbs and the cost thereof shall be assessed to the owner. Such trimming will be confined to the area immediately above the right-of-way. (Ord. No. 96-15, § 1.)

Sec. 23-8. Application/Permit for trees located in the right-of-way.

No person or company shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the city. The person receiving the permit shall abide by the standards set forth in this chapter. Permits are issued free by contacting city hall. (Ord. No. 96-15, § 1.)

Sec. 23-9. Tree topping.

It is unlawful as a normal practice for anyone to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the city tree board. (Ord. No. 96-15, § 1.)

Sec. 23-10. Dead or diseased tree removal on private property.

The city shall advise private land owners as to the proper way to remove any dead or diseased trees on private land within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. If owners are advised of the above mentioned problems of hazard trees and action is not taken to correct the problem within thirty days, the same may be removed or cause to be removed by the city and the cost thereof shall be assessed to the owner. (Ord. No. 96-15, § 1.)

Sec. 23-11. Trees already in place.

Trees already in place and growing at the date of the ordinance codified in this chapter, shall be exempt from sections 23-3, 23-4 and 23-5. However, any new or replacement trees shall be governed by those sections. (Ord. No. 96-15, § 1.)

Sec. 23-12. Improper planting.

Whenever a tree or shrub is planted in conflict with the provisions of this chapter, the city shall notify the landowner in writing. If the landowner has not corrected the problem within ten days, the same may be removed or caused to be removed by the city and the cost thereof shall be assessed to the owner. (Ord. No. 96-15, § 1.)

Sec. 23-13. Arborist license and bond.

It is unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing public trees, or trees on private property within the city without first applying for and procuring a license from city hall. Applicants shall pass a written examination to insure they are qualified and knowledgeable in tree pruning standards. Arborists certified by the International Society of Aboriculture (ISA) will be exempt from the examination. There shall be no license fee and licenses will not be required for any public service employee or city employee doing such work in the pursuit of their public service endeavors. Before any such license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of $100,000 for bodily injury and $300,000 for property damage indemnifying the city or any person injured or damage resulting from the pursuit of such endeavors as herein described. Additionally, applicants must provide a list of references. The City of Cody will give preference to arborists certified by the

(ISA) or companies with a certified arborist on staff when performing maintenance on public trees. (Ord. No. 96-15, § 1.)

Sec. 23-14. Interference with city tree board.

It is unlawful for any person to prevent, delay or interfere with the city tree board, or any city employee, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees or shrubs authorized in this chapter. The city may at its option, when advised by the city tree board cause the removal of dead or diseased trees from private property.

Prior to removal of dead or diseased trees by the city, the city shall provide written notice to the property owner. Should the property owner contest the fact that the tree is diseased, they may request a hearing in front of the city council of the City of Cody. Said hearing shall be conducted pursuant to the Wyoming Administrative Procedures Act. If a hearing shall be requested, the city shall not cause the removal of the dead or diseased tree until the completion of the hearing. The provisions of this paragraph shall not apply in case of an emergency. Cases of emergency are defined as conditions which pose an immediate safety or health hazard to the public. (Ord. No. 96-15, § 1.)

Sec. 23-15. Review by the city council.

The city council of the City of Cody shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from the ruling of order of the city tree board to the city council who may hear the matter and make final decision. (Ord. No. 96-15, § 1.)

Sec. 23-16. Penalty.

Any person violating any provision of this chapter shall be, upon conviction or a plea of guilty, punished as provided in the city code, section 1-11. (Ord. No. 96-15, § 1.)

Sec. 23-17. Conflict with other ordinances.

In the event anything contained in this chapter is at variance or conflicts with any other city ordinance in effect at the time of the passage of this ordinance, and particularly the city's zoning ordinances, then this ordinance shall be deemed subservient thereto and the other ordinance or ordinances shall control. (Ord. No. 96-15, § 1.)

Chapter 24

POLICE DEPARTMENT*

§ 24-1. Application of chapter.
§ 24-2. Supervision of policemen.
§ 24-3. Duties generally.
§ 24-4. Powers of constables.
§ 24-5. Impersonation.
§ 24-6. Obstructing, resisting arrest, aiding persons to escape custody.
§ 24-7. Refusal to assist.
§ 24-8. Discipline.
§ 24-9. Disposal of abandoned, lost, etc., property.
§ 24-10. Unlawful interference with a police dog.

* For state law as to authority of city in connection with police and police department, see W.S., 1977, § 15-1-103 (xxxiv).

As to authority of police at fires, see § 17-5 of this Code. As to fire police generally, see § 10-9. For provisions as to falsely calling for police protection, see § 20-15.

Sec. 24-1. Application of chapter.

The provisions of this chapter apply to the chief of police, regular or special policemen, night watchmen or any other officers whose duties are in the nature of a policeman. (1960 Comp. Ords., § 16-406.)

Sec. 24-2. Supervision of policemen.

All policemen of the city, regular or special, shall be under the supervision of the chief of police. (1960 Comp. Ords., § 16-401.)

Sec. 24-3. Duties generally.

In addition to all other duties and responsibilities that may be formulated in policy, regulations and rules the chief of police and policemen shall have the following duties:

(a) To wear a shield of his office and to carry out and execute all duties which may be required by the city council, ordinance, resolution, policy, rule or regulation, and laws of the state of Wyoming.

(b) To make arrests with proper process, for any offense against the ordinances of the city or laws of the state, and bring the offender to trial before the proper officer, and to arrest without process in all cases where such offense shall be committed or attempted on view.

(c) To swear out a complaint against anyone known to have committed a crime.

(d) To arrest any person found under suspicious circumstances unless such person gives a satisfactory account of himself. (1960 Comp. Ords., § 16-402; Ord. No. 88-2, § 1.)

Sec. 24-4. Powers of constables.

The chief of police and all policemen duly qualified shall have all the powers granted to constables by the laws of the state. (1960 Comp. Ords., § 16-403).

Sec. 24-5. Impersonation.

It shall be unlawful for any person to falsely represent himself to be the chief of police or any member of the police department by wearing a shield of office or otherwise. It shall be unlawful for any person without first being authorized to do so, to exercise or attempt any duty, power, or function of the chief of police or any member of the police department. (1960 Comp. Ords., § 8-601; Ord. No. 88-2, § 2.)

Sec. 24-6. Obstructing, resisting arrest, aiding persons to escape custody.*

It shall be unlawful for any person to hinder, obstruct, resist or otherwise interfere with the chief of police or any member of the police department in the discharge of his official duties, or to resist or attempt to prevent any such officer from arresting any person violating any provision of this Code or any other city ordinance, or to attempt to rescue or in any manner assist in the escape of any person in the custody of the chief of police or member of the police department. (1960 Comp. Ords., § 8-602.)

* For state law provisions in connection with this section, see W.S., 1977, § 6-5-201 et seq.

As to interfering with city employees generally, see § 20-3 of this Code.

Sec. 24-7. Refusal to assist.

It shall be unlawful for any person to refuse to assist the chief of police or any member of the police department in making an arrest or in quelling any disturbance when requested so to do. (1960 Comp. Ords., § 8-603.)

Sec. 24-8. Discipline.

A policeman shall be a peace officer, and any policemen who shall fail to perform his duty promptly and fearlessly, who commits a crime, favoritism, oppression, cruelty or disregards orders of a superior, or violates any rules, policies or regulations of the police department or exhibits conduct not becoming to a peace officer may be disciplined, suspended, reduced in grade or discharged as the chief of police may determine is appropriate.

All employees of the police department shall be under the supervision of the chief of police and he has the authority to discipline, suspend, reduce in grade or discharge employees as he may determine is appropriate for any violation of the rules, policies and regulations of the police department. (1960 Comp. Ords., § 16-404; Ord. No. 88-2, § 3.)

Sec. 24-9. Disposal of abandoned, lost, etc., property.

(a) When any abandoned, lost, stolen or unclaimed property has been in the possession of the city for ninety days and same has not been claimed by the lawful owner, then the city may dispose of same as hereinafter provided.

(b) Any such property, except firearms, valued at over two hundred dollars shall be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place or three public places within the city at least ten days prior to the sale. If the police department has the name and address of the purported lawful owner, at least ten days prior to the sale, a copy of such notice shall be sent by certified mail to the owner at his or her last known address.

(c) All property, except firearms, valued at less than two hundred dollars may be sold at public sale as provided above, or may be donated by the city to a charitable or nonprofit organization for its use or further distribution to the needy.

(d) All firearms may be retained by the city police department for use in its arsenal. Any such weapons that are deemed unusable or not fit for such arsenal may be destroyed at the discretion of the chief of police.

(e) Whenever any property is sold, disposed of or destroyed pursuant to this section, a report of such transaction will be maintained by the police department for a period of one year from the date of the action taken.

(f) The proceeds of any public sale of property, after the deduction of the cost and expenses of sale, shall be deposited in the general fund of the city treasury.

(g) Any police officer, city employee or other agent shall not be held to answer or be liable for any damages and any action brought by the lawful owner, his legal representative or any other person legally entitled to the possession of any property which was sold or disposed of as provided by this section. (Ord. No. 78-14, §§ 1 to 7; Ord. No. 88-2, § 5.)

Sec. 24-10. Unlawful interference with a police dog.

(a) Police dog means any dog used or kept for use by a police officer in discharging any legal duty or power of his or her office.

(b) A person commits the crime of unlawful interference with a police dog if, acting without the permission of the police department or other agency or person owning the police dog, he or she intentionally:

(1) Injures or kills any police dog; or

(2) Provokes with the intent to cause fear or anger, physically mistreats, or attempts to injure any police dog; or

(3) Interferes with or meddles with any police dog while such animal is being used by the department or with any officer or member thereof while such officer or member is using such animal in the performance of any of the functions or duties of the department, or of the officer or member.

(a) The violation of any provision of this section shall constitute a misdemeanor and shall be punished by a fine of not more than seven hundred fifty dollars, to which shall be added costs of ten dollars, and/or a jail sentence not to exceed six months. (Ord. No. 96-6, § 1.)

Chapter 25

ADULT SEXUALLY ORIENTED BUSINESSES*

§ 25-1. Adult sexually oriented businesses.

* A former ch. 25 entitled "Restaurants" was repealed by Ordinance No. 87-1.

Sec. 25-1. Adult sexually oriented businesses.

(a) Purpose and Intent. It is the purpose and intent of this chapter to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the city, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent, nor effect of the chapter to condone or legitimize the distribution of obscene material.

(b) Findings. Based on evidence presented regarding the detrimental social and economic effects on persons and properties immediately surrounding established sex-oriented businesses and after having reviewed said evidence and studies, and on findings incorporated in the cases of City of Renton v. Playtime Theaters, Inc., 475 U.S. 41(1986), Young v. American Mini Theaters, 427 U.S. 50 (1976), and Barnes v. Glen Theater, Inc., 501 U.S. 560 (1991), and on studies and summary of studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; and New York, New York; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); and also on the reports, memos, affidavits and other documents originally provided to the City of Evanston, Wyoming, by Detective Dan Kimett of the Denver, Colorado Police Department on July 27, 1997, and a transcript of the testimony of Sergeant Pete Carey of Colorado

Springs, Colorado Police Department originally provided to the City of Evanston Wyoming, at a public meeting held on July 28, 1997, the governing body of the City of Cody finds:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are often uncontrolled by any other mechanism in the City of Cody to make the owners of these establishments responsible for the activities that may occur on their premises.

(2) The evidence shows that sexually oriented businesses are frequently used for unlawful sexual activities including prostitution. Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(3) The transcript of documented evidence and testimony of Officer Pete Carey shows that sexually oriented businesses, because of their very nature, have a deleterious effect on both existing businesses around them and the surrounding residential areas adjacent to them, causing among other adverse secondary effects, increased crime and downgrading of property values.

(4) The evidence shows that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are operating in close proximity to each other, thereby contributing to crime, lower property values, urban blight and downgrading of the quality of life in the adjacent area.

(5) The studies referred to in the beginning of this section show that real estate professionals are of the opinion that a concentration of adult businesses can be expected to have an adverse economic effect on the value of nearby commercial and residential property.

(6) The evidence shows increased crime and unhealthful conduct tend to accompany, concentrate around and be aggravated by sexually oriented businesses including, but not limited to, prostitution, pandering, public indecency, public disturbances and exposing minors to harmful materials.

(7) Sexually transmitted diseases, including AIDS, are a legitimate health concern of the city, which requires reasonable regulations of sexually oriented businesses in order to protect the health and well being of the citizens.

(8) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(9) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult video arcades and also promotes the safety of law enforcement personnel.

(10) The general welfare, health, morals and safety of the citizens of the city will be promoted by the enactment of the ordinance codified in this chapter.

(c) Definitions.

(1) Adult arcade. Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(2) Adult bookstore, adult novelty store or adult video store. A commercial establishment which, devotes more than thirty percent of its stock-in-trade or of its interior floor space to, or more than thirty percent of its advertising expenditures to the promotion of, the sale, rental or viewing, for any form of consideration any one or more of the following:

(i) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or

(ii) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

(iii) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental or material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as the provisions of subsection (2) are otherwise met.

(3) Adult cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(i) Persons who appear in a state of nudity or semi-nude; or

(ii) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(iii) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(4) Adult motel. A hotel, motel or similar commercial establishment which:

(i) Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(ii) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

(5) Adult motion picture theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction of "specified sexual activities" or "specified anatomical areas."

(6) Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

(7) Employee. A person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

(8) Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(9) Escort agency. A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, or other consideration.

(10) Establishment. "Establishment" means and includes any of the following:

(i) The opening or commencement of any sexually oriented business as a new business;

(ii) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;

(iii) The additions of any sexually oriented business to any other existing sexually oriented business; or

(iv) The relocation of any sexually oriented business.

(11) Massage parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities," or where any person providing such treatment, manipulation, or service related thereto, exposes their "specified anatomical areas."

(12) Nude model studio. Any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay

money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the State of Wyoming or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation, nor shall it include a modeling class operated in a structure:

(i) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

(ii) Where in order to participate in a class a student must enroll at least three days in advance of the class; and

(iii) Where no more than one nude or semi-nude model is on the premises at any one time.

(13) Nudity or a state of nudity. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernable turgid state.

(14) Person. An individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

(15) Semi-nude or in a semi-nude condition. A state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female beast, as well as portions of the body covered by supporting straps or devices.

(16) Sexual encounter center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(i) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(ii) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(17) Sexually oriented business. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(18) Specified anatomical areas. "Specified anatomical areas" means:

(i) The human male genitals in a discernable turgid state, even if completely and opaquely covered; or

(ii) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(19) Specified sexual activities. "Specified sexual activities" means any of the following:

(i) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(ii) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or

(iii) Excretory functions as part of or in connection with any of the activities set forth in (i) through (ii) above.

(d) Classification. Sexually oriented businesses are classified as follows:

(1) Adult arcade;

(2) Adult bookstore, adult novelty store or adult video store;

(3) Adult cabaret;

(4) Adult motel;

(5) Adult motion picture theater;

(6) Adult theater;

(7) Massage parlor;

(8) Sexual encounter establishment;

(9) Escort agency, or

(10) Nude model studio.

(e) Location of sexually oriented businesses.

(1) A person commits a misdemeanor, if that person operates or causes to be operated a sexually oriented business in any zoning district other than an open business/ light industrial "D-3" zone, as defined in chapter 35 of the City of Cody Code.

(2) A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within five hundred feet of:

(i) Any religious institution;

(ii) Any school;

(iii) The boundary of any residential district;

(iv) Any public park or recreation area;

(v) A property line of a lot devoted to residential use; or

(vi) A boys' club, girls' club, or similar existing youth organization.

(3) A person commits a misdemeanor if he operates or causes to be operated a sexually oriented business within five hundred feet of another such business, which will include, any adult arcade, adult book store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or any sexual encounter establishment.

(4) A person commits a misdemeanor if he causes or permits the operation, establishment, or maintenance of more than one sexually oriented business within the same building, structure, or portion thereof, or causes the substantial enlargement of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

(5) For the purposes of subsection (2) of this section, measurement shall be made in a straight line, without regard to intervening structures, or objects from the property line of the lot or parcel containing the premises where a sexually oriented business is conducted, to the nearest property line of the lot or parcel of the pre-

mises of a use listed in subsection (2). Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(6) For the purposes of subsection (3) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, or objects from the property line of the lot or parcel containing the premises where a sexually oriented business is located.

(7) For sexually oriented businesses lawfully operating on the effective date of the ordinance codified in this chapter, they shall not be required to comply with subsections (1) through (6) of this section.

(f) Exhibition of sexually explicit films or video in video booths.

(1) A misdemeanor is committed by a person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty square feet of floor space, a film video cassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, if the person fails to comply with the following requirements:

(i) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager or employee's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(ii) All viewing rooms and booths shall remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times no patron is permitted access to any area of the premises which had been designated as an area in which patrons will not be permitted.

(iii) No viewing room may be occupied by more than one person at any one time.

(iv) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than five footcandles as measured at the floor level.

(v) The illumination described above shall be maintained at all times that any patron is present on the premises.

(vi) No openings of any kind shall be allowed to exist between viewing rooms or booths.

(vii) No employee shall knowingly or with reasonable cause to know, permit or allow a patron to commit on the premises an act of "public indecency" as set forth in Wyoming Statutes 6-4-201.

(g) Nude model studios.

(1) A person under the age of eighteen years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under eighteen years was in a restroom not open to public view or visible to any other person.

(2) A person commits an offense if the person appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

(3) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

(h) Public nudity. Public nudity is prohibited within the City of Cody including within any sexually oriented business.

(i) Regulations pertaining to adult theaters and cabarets.

(1) It shall be a misdemeanor for a person to knowingly or intentionally appear, entertain or perform in a semi-nude condition in an adult theater or adult cabaret unless the person is an employee who, while semi-nude, shall be at least ten feet from any patron or customer and on a stage elevated at least two feet from the floor.

(2) It shall be a misdemeanor for a patron or customer to pay or give directly any gratuity to any employee, before, during or after an employee has performed or entertained in an adult theater or cabaret. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performer.

(3) It shall be a misdemeanor for an employee, while semi-nude, to have physical contact with a customer or patron while on the premises. It shall be a misdemeanor for a customer to have physical contact with any employee while said employee is semi-nude in a sexually oriented business.

(4) Subsection (1) of this section shall not apply to an employee of a sexually oriented business, who, while acting in the scope of their employment as a waiter, waitress, host, hostess or bartender comes within ten feet of a patron.

(j) Prohibition against minor in a sexually oriented business.

(1) A person commits a misdemeanor if the person knowingly or with reasonable cause to know, permits or allows:

(i) A person under the age of eighteen years to be admitted to or remain on the premises of a sexually oriented business unless accompanied by his or her parent or guardian.

(ii) A person under the age of eighteen years to purchase goods or services at the business premises without the specific consent of his or her parent or guardian.

(iii) A person under the age of eighteen years to work at the business as an employee.

(k) Hours of operation. A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business, except for an adult motel, and allows such business to remain open for business at any time between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. of any particular day.

(l) Exemptions.

(1) It is a defense to prosecution under section 25-1, G & H that a person over the age of eighteen appear-

ing in a state of nudity did so in a modeling class operated:

(i) By a proprietary school, licensed by the State of Wyoming; a college, junior college, or university supported entirely or partly by taxation;

(ii) By a private college or university which maintains and operates educational program in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(iii) In a structure:

(A) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(B) Where, in order to participate in a class a student must enroll at least three days in advance of the class; and

(C) Where no more than one nude model is on the premises at any one time.

(m) Advertising.

(1) A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business, and advertises the presentation of or depicts or exhibits any activity prohibited by any applicable state statute or local ordinance.

(2) A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business, and displays or otherwise exhibits the materials or goods of such sexually oriented business in advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of sexually oriented business.

(3) Nothing contained in this section shall relieve a sexually oriented business from complying with any other relevant requirements of the Cody City Code.

(n) Injunction. A person who operates or causes to be operated a sexually oriented business in violation of any section of this chapter of the City Code is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation. (Ord. No. 00-02, § 1 (part).)

Chapter 26

SEWERS AND SEWAGE DISPOSAL*

Article I Sewer Connections

§ 26-1. Permit--Required.
§ 26-2. Same--Plant investment fees.
§ 26-3. Same--Record of permits.
§ 26-4. License--Required; bond.
§ 26-5. Same--Revocation.
§ 26-6. Inspections.
§ 26-7. Noncomplying connections declared a nuisance; disconnection.
§ 26-8. Order by council to connect improved property to city sewer; obedience to order.
§ 26-9. Application for connection to sewerage system.
§ 26-10. Same--Costs.
§ 26-10.1. Discharges into system.
§ 26-10.2. Sewer use fees--Schedule.
§ 26-10.3. Same--Time of payment; failure to pay.
§ 26-10.4. Review of sewer use fees.

Article II Privy Vaults, Cesspools and Grease Traps

§ 26-11. Privies, cesspools, etc., declared nuisances; removal where city sewer available.
§ 26-12. Cleaning generally.
§ 26-13. Abandonment of privy vaults and cesspools.
§ 26-14. Removal and transportation of contents; designation of dumping ground.
§ 26-15. Deposit of contents not permitted in city, etc.

* As to sewer requirements in connection with mobile home parks and mobile home communities, see § 16-12 of this Code. For regulations in connection with plumbing, see ch. 23.

Article I Sewer Connections

Sec. 26-1. Permit--Required.

It is unlawful for any person to tap or make connection with any main or district sewer installed in the city without first obtaining a permit for same from the city clerk as hereinafter provided. (1960 Comp. Ords., § 13-101.)

Sec. 26-2. Same--Plant investment fees.

Permits to connect to the city sanitary sewerage system shall be issued by the building inspector on application as provided in section 26-9 hereof and the payment of a plant investment fee as follows:

(a) Single family dwelling units and multiple family dwelling units including apartment houses:

(i) Within the city limits: $500.00 per unit

(ii) Outside the city limits: $750.00 per unit

(iii) An additional fee of $150.00 will be required if the property served requires the use of an existing sewer lift station and the property served is outside the established lift station boundaries.

(b) All others:

(i) Inside the city limits: $500.00 for each five thousand gallons of estimated water usage.

(ii) Outside the city limits: $750.00 for each five thousand gallons of estimated water usage per month.

(iii) An additional fee of $150.00 will be required for each five thousand gallons of estimated water usage per month if the property served requires the use of an existing sewer lift station and the property served is outside the established lift station boundaries.

(c) Before any permit to connect property outside of the city limits to the city sanitary sewerage system shall be issued the owner of the property to be served shall execute and record a consent that the property served may at any time in the future be annexed to the City of Cody without objection by the current or subsequent owner. (1960 Comp. Ords., § 13-101; Ord. 77-6: Ord. No. 87-8, § 1; Ord. No. 96-2, § 1.)

Sec. 26-3. Same--Record of permits.

The water commissioner shall keep a book in which shall be entered a record of all sewer permits herein provided for which shall contain the name of the applicant, the date of application and permit, the name of the owner of the lot, and the number of the lot to be drained by the proposed sewer. Such record shall be preserved by the water commissioner and shall be open to the public at all times. (1960 Comp. Ords., § 13-101.)

Sec. 26-4. License--Required; bond.*

It is unlawful for any person, to do or perform the work of making any sewer connections or construct any private sewer for the purpose of connecting with the main or any district sewer in the city unless such person is a licensed plumber as provided in section 23-7, and until such person has executed a bond to the city to be approved by the city attorney in the sum of one thousand dollars, conditioned for the indemnification of the city or the property owner installing the connecting sewer against all the loss or damage by reason of improper or unskilled work or materials in the connection or installation thereof, or by reason of any injury to any existing improvements in connection with such work. (1960 Comp. Ords., § 13-102.)

* As to licensing regulations generally, see ch. 15 of this Code. For regulations as to nuisances generally, see ch. 19 of this Code.

Sec. 26-5. Same--Revocation.

The license required by section 23-7 may be revoked by the city council at any time upon the satisfactory evidence that the licensee has not complied with the regulations of this chapter and chapter 23 or is otherwise incompetent. (1960 Comp. Ords., § 13-102.)

Sec. 26-6. Inspections.

Whenever a connecting sewer shall be constructed as herein provided, the person constructing the same and making the connection shall leave the same uncovered and open until the work shall be inspected and approved by the water commissioner. (1960 Comp. Ords., § 13-104.)

Sec. 26-7. Noncomplying connections declared a nuisance; disconnection.

All connections made under the provisions of this article shall be made in such a manner as the water commissioner shall direct.

If any such connecting sewer shall be built or constructed otherwise than in strict compliance with the terms and requirements of this chapter and chapter 23, same shall be declared a nuisance, and shall be abolished or abated according to law and shall be immediately disconnected from the main or district sewer until the same is made to comply

with the provisions of this chapter and chapter 23. (1960 Comp. Ords., § 13-104.)

Sec. 26-8. Order by council to connect improved property to city sewer; obedience to order.

Whenever the city council shall deem it necessary for sanitary purposes and the general health and welfare of the city that all of the improved property within any sewer district of the city be connected with the main or district sewer located in such district and provided for that purpose, the city council shall have the authority to so order and direct. Thereupon it shall become the duty of any property owner so designated or included within such order, within five days, or such other time as therein set forth, after the service upon such owner or the occupant of the premises, of a copy of such order, to commence and prosecute with due diligence the work of making and constructing such sewer and its connection with the main or district sewers as directed in the order. (1960 Comp. Ords., § 13-105.)

Sec. 26-9. Application for connection to sewerage system.

(a) Any owner of property desiring to make sewer connections to the city's sanitary sewerage system shall make application with the city on a form prescribed by the city for utility services. By making application the applicant shall be deemed to have agreed that a sewer connection shall be done with materials and according to plans and specifications as may be prescribed and required by the city engineer and/or the city water commissioner and subject to all orders, rules and regulations of the city.

(b) Applications by owners of property outside the established city limits shall require the approval of the city council before a permit to connect may be issued. The city council shall be under no obligation whatsoever to approve an application by an owner of property outside the established city limits and may in its sole and absolute discretion deny such an application for any reason or no reason. Any application by an owner of property outside the established city limits shall include an engineering analysis, by an engineer or firm acceptable to the city, of the capacity of the receiving line or lines and an analysis of the expected effluent if the connection is for a use other than a single family dwelling unit, a multiple family dwelling unit or apartment house. (1960 Comp. Ords., § 13-106; Ord. No. 96-2, § 2.)

Sec. 26-10. Same--Costs.

Any property owner desiring to make such sewer connection as referred to in section 26-9 shall pay all costs of the installation, inspection and other expenses in connection with the work of installing such sewer connection from the point where the sewer connection connects with the adjacent sanitary sewer to the property line of the property to be served by such sewer connection. In addition thereto, the property owner shall pay to the city treasurer the sum of one hundred dollars. (1960 Comp. Ords., § 13-107.)

Sec. 26-10.1. Discharges into system.

It shall be unlawful to permit or cause the flow of any of the following substances into the sanitary sewer system of the city:

(a) Any waste or sewage that has been chemically treated or mixed in a chemical substance from the sanitary facilities of any self-propelled mobile home, camper trailer or pickup camper, or any other waste or sewage collection facilities.

(b) Any cyanide, phenols or any other chemical or substance which interferes with or prevents the functioning of the sewage treatment facility.

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(c) Any stone, dust, sand, dirt, gravel, sawdust, metal filings, broken glass or any material which may cause or create obstruction in the sewer.

(d) Any connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. No. 76-3, § 1; Ord. No. 87-8, § 2.)

Sec. 26-10.2. Sewer use fees--Schedule.

(a) There is levied and assessed a service charge against any entity or person in the city requiring sewage disposal into the sanitary sewer system as follows:

A minimum monthly charge for the water measured through each water meter based upon the size of the water meter as follows:

Charge	Size
$ 5.40	3/4" meter
10.80	1" meter
21.60	1 1/2" meter
37.80	2" meter
86.40	3" meter
151.20	4" meter
345.60	6" meter

Plus $1.20 per thousand gallons per month of water metered.

(b) For those entities or persons connected to the sanitary sewer system, but not receiving water from the city water system, the charge shall be $11.40 per month.

(c) The City of Cody has determined that the average total suspended solids (TSS) and five-day biochemical oxygen demand (BOD) daily loadings for the average residential user are two hundred ppm BOD and two hundred fifty ppm TSS. The City of Cody has assessed a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential user. The surcharge will be sufficient to cover the costs of treating such user’s above normal strength wastes. Such users will pay an additional service charge of two and one-half cents per one thousand gallons for each twenty-five ppm over two hundred fifty ppm TSS. (Ord. No. 76-11, § 1; Ord. No. 77-12; Ord. No. 80-15; Ord. No. 81-19; Ord. No. 83-15; Ord. No. 85-6; Ord. No. 86-17: Ord. No. 87-8, § 3; Ord. No. 93-14; Ord. No. 95-17, § 1.)

Sec. 26-10.3. Same--Time of payment; failure to pay.

Upon failure of any user of sewer facilities to pay his account in full within ten days of the date of billing, it shall be the duty and responsibility of the city treasurer to notify such user by regular mail, that his account is in arrears and must be paid within five days of receipt of such notice, or all city utility services shall be discontinued. In the event such account remains unpaid at the expiration of the five day period, the city treasurer shall instruct the necessary city departments to immediately discontinue further utility services to such user.

Upon payment of the account in full, plus fifteen dollars service charge, the city utility services shall be restored to such user. In the event all city utility services are discontinued due to nonpayment, one service charge of fifteen dollars shall apply for reconnection of all such service for that consumer. (Ord. No. 76-11, § 2.)

Sec. 26-10.4. Review of sewer use fees.

The city shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage not less often than every two years and will review the system as necessary to assure equity of the service charge system established herein and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. The city shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the governing body, such factual information and the city shall then determine if the user's wastewater contribution percentage is to be changed. The city shall notify the user of its findings as soon as possible. (Ord. No. 87-8, § 4.)

Article II Privy Vaults, Cesspools and Grease Traps

Sec. 26-11. Privies, cesspools, etc., declared nuisances; removal where city sewer available.

In the interests of sanitation and the protection of public health, any and all privy vaults and cesspools within the city or its police jurisdiction are hereby declared to constitute a nuisance and a menace to health, and the same shall be removed whenever a connection to a city sewer is available. (1960 Comp. Ords., § 7-301.)

Sec. 26-12. Cleaning generally.

All grease traps shall be cleaned at least once a year, and more often if so ordered. All privy vaults and cesspools must be cleaned whenever the contents thereof shall be within two feet of the top or surface of the ground. (1960 Comp. Ords., § 7-303.)

Sec. 26-13. Abandonment of privy vaults and cesspools.

Whenever the use of any privy vault or cesspool is discontinued, such vault or cesspool must be cleaned to the bottom and filled with earth or other suitable material. Such work shall be done under the supervision of the water commissioner. (1960 Comp. Ords., § 7-304.)

Sec. 26-14. Removal and transportation of contents; designation of dumping ground.

The contents of privy vaults, grease traps or cesspools shall be removed therefrom and transported through any alley, street or public place within the city only in the most improved sanitary manner, using airtight covered tanks, so as to prevent the escape of any noxious or offensive odors, and preserve such contents from sight or exposure during transportation. All appliances and vehicles used in such cleaning and removal shall be maintained in perfect sanitary condition, subject at all times to inspection by the water commissioner. The water commissioner shall designate the dumping grounds upon which such material shall be disposed of. (1960 Comp. Ords., § 7-305.)

Sec. 26-15. Deposit of contents not permitted in city, etc.*

No night soil, grease trap or cesspool matter shall be deposited or buried in or on any premises within the City of Cody or its police jurisdiction. (1960 Comp. Ords., § 7-302.)

* See § 1-10 of this Code.

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CHAPTER 27

SOFT DRINK DEALERS

§ 27-1. Definitions.
§ 27-2. License--Required.
§ 27-3. Same--Fee.
§ 27-4. Same--Application; affidavit.
§ 27-5. Same--Grant or refusal.
§ 27-6. Same--Suspension of retail license.
§ 27-7. Retail licensee authorized to sell at wholesale.
§ 27-8. Obstructing view through windows of retail dealers.

Sec. 27-1. Definitions.

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

Retail dealer. Any person who shall barter or s ell any soft drinks, sodas or other unfermented and nonintoxicating beverages, by the glass, or to be drunk on the premises, or by the bottle, or in less quantities than by the case or five gallons at one time, shall be known as a retail soft drink dealer,

Wholesale dealer. Any person who shall sell or give away any soft drinks, sodas or other unfermented or nonintoxicating beverages of a nonintoxicating nature, or any soft drinks, by the case or any quantities more than five gallons at a time, shall be known as a wholesale dealer. (1960 Comp. Ords., § 19-801, 19-802.)

Sec. 27-2. License--Required.*

No person within the city directly or indirectly, in person, or by agent or employee shall sell, barter, or dispose of for any pecuniary advantage, soft drinks or nonintoxicating liquors or beverages, or unfermented wines, without first obtaining a license therefor issued in accordance with chapter 15. (1960 Comp. Ords., § 19-805.)

* As to licensing requirements generally, see ch. 15 of this Code.

Sec. 27-3. Same--Fee.

Every dealer in soft drinks as referred to in this chapter, whether retail or 9 shall pay a license fee of ten dollars annually, in advance. (1960 Comp. Ords., § 19-803. 19-804.)

Sec. 27-4. Same--Application; affidavit.

Before any license as required by this chapter shall be granted for the sale of soft drinks and beverages, the applicant shall file his written application for such

license with the chief of police. Such application shall contain a full and accurate description of the building in which the business is to be conducted and an accurate description of the premises on which such building is located. In addition, the affidavit of two reputable freeholders of the city, that the applicant is of good moral character; that they believe that such applicant has not permitted and will not permit the sale of intoxicating beverages or unlawful gambling in his place of business. (1960 Comp. Ords., § 19-806.)

Sec. 27-5. Same--Grant or refusal.*

The chief of police upon receipt of the application for the license required by this chapter shall present such application to the city council at a regular or special meeting thereof, and the city council shall consider the application. If satisfied that the applicant is of good moral character and otherwise has complied with and will comply with the provisions of this Code and all other ordinances of the city, with reference to the unlawful sale of intoxicating liquors and unlawful gambling, the city council may grant such license, otherwise it shall reject same. (1960 Comp. Ords., § 19-807.)

* See ch. 3 and §§ 2 0-16 and 2 0-1 7 of this Code.

Sec. 27-6. Same--Suspension of retail license.*

Whenever any person having a retail soft drink license, shall suffer or permit any disorder, disturbance of public peace, drunkenness or any unlawful games or practices in violation of any provision of the Code or other ordinances of the city in his house or place of business for which the license shall be granted, the city council may suspend such license and such license shall not be renewed for three months thereafter. (1960 Comp. Ords., § 19-808.)

* See § 20-10, 20-11, 20-12. 20-16 and 20-17 of this Code.

Sec. 27-7. Retail licensee authorized to sell at wholesale.

The retail license granted under the provisions of this chapter, shall also authorize such licensee to sell at wholesale, (1960 Comp. Ords., § 19-805.)

Sec. 27-8. Obstructing view through windows of retail dealers.

No blinds, screens, stained glass or frosted windows, or any objects or arrangements whatever shall be permitted to obstruct the view of the interior of any licensed soft drink establishment from the front thereof or the street. (1960 Comp. Ords., § 19-810.)

Chapter 28

SOUND TRUCKS

§ 28-1. Definitions.
§ 28-2. Noncommercial use.
§ 28-3. Commercial advertising.

* For state law authorizing city to regulate, prevent and suppress noises, see W.S., 1957, § 15.1-3(16).

Sec. 28-1. Definitions.

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

(a) Sound amplifying equipment. The words "sound amplifying equipment" shall mean any machine or device for the amplification of the human voice, music or other sound. "Sound amplifying equipment" as used herein, shall not be construed as including standard automobile radios when used and heard only by the occupants of the vehicle in which installed, or warning devices of other vehicles used for traffic safety purposes.

(b) Sound truck. The words "sound truck" shall mean any motor vehicle or horse drawn vehicle, having mounted thereon, or attached thereto any sound amplifying equipment. (1960 Comp. Ords., § 25-201.)

Sec. 28-2. Noncommercial use.

(a) Registration required. No person shall use or cause to be used a sound truck with its sound amplifying equipment in operation for noncommercial purposes in the city before filing a registration statement with the city clerk in writing. This registration statement shall be filed in duplicate and shall state the following:

(1) Name and address of the applicant.
(2) Address of place of business of applicant.
(3) License number and motor number of the sound truck to be used by applicant.
(4) Name and address of person who owns the sound truck.
(5) Name and address of person having direct charge of sound truck.
(6) Names and addresses of all persons who will use or operate the sound truck,

(7) The purpose for which the sound truck will be used.

(8) A general statement as to the sections of the city in which the sound truck will be used.

(9) The proposed hours of operation of the sound truck.

(10) The number of days of proposed operation of the sound truck.

(11) A general description of the sound amplifying equipment to be used.

(b) Registration statement amendment. All persons using or causing to be used, sound trucks for noncommercial purposes shall amend any registration statement filed pursuant to the provisions above within forty-eight hours after any change in the information therein furnished.

(c) Registration statement and identification. The city clerk shall return to each applicant under this section, one copy of such registration statement duly certified by the city clerk as a correct copy of the application. Such certified copy of application shall be in the possession of the person operating the sound truck at all times while the sound truck's amplifying equipment is in operation, and such copy shall be promptly displayed and shown to any policeman of the city upon request.

(d) Regulations for use. Noncommercial use of sound trucks in the city with sound amplifying equipment in operation, shall be subject to the following regulations:

(1) The only sounds permitted are music or human speech.

(2) The permitted hours of operation shall be between the hours of 11:30 A.M. and 1:30 P.M., and 4:30 P.M. and 7:00 P.M., except during the night rodeo season when the hours may be from 11:30 A.M., to 1:30 P.M, and from 4:30 P.M., until the time of the night rodeo parade on Sheridan Avenue, and in any event not later than 8:00 P.M.

(3) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least seven miles per hour except when such truck is stopped or impeded by traffic. When stopped by traffic the sound amplifying equipment shall not be operated for longer than one minute at each shop.

(4) Sound shall not be issued within two hundred feet of the Cody Hospital, the Cody Medical Center, any doctor's clinic, or any school while the same is in session, or any church while worship services are being carried on therein, or any courthouse in which court is then in session.

(5) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.

(6) The volume of sound shall be controlled so that it will be audible for a distance in excess of two hundred feet from the sound truck and so that the volume is not unreasonably loud, raucous. jarring, disturbing, or a nuisance to persons within the area of audibility. (1960 Comp. Ords., § 25-202.)

Sec. 28-3 Commercial advertising.*

(a) License required; fee. No person shall operate or cause to be operated any sound truck in the city for commercial advertising purposes with sound amplifying equipment in operation, unless a license has been obtained from the city clerk. The fee for said license shall be two dollars payable annually in advance.

(b) Application for license. Persons applying for the license required under this section shall file with the city clerk an application in writing giving on the application the information required in the registration statement under section 28-2(a).

(c) Issuance of license. The city clerk shall issue a license under this section upon the payment of the required license fee, unless the application required in this section reveals that the applicant would violate the regulations prescribed in section 28-2(b) or the provisions of some other provision of this Code or other ordinance of the city.

(d) Possession and display of license. A licensee shall keep such license in his possession in the sound truck during the time the sound truck's amplifying equipment is in operation. The license shall be promptly displayed and shown to any policemen of the city upon request.

(e) Regulations for use. No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes in violation of the regulations set forth in section 28-2(c). (1960 Comp. Ords., § 25-203.)

* For licensing requirements generally, see ch, 15 of this Code.

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Chapter 29

STREETS AND SIDEWALKS*

Article I In General

Division 1 Generally

§ 29-1. Duties generally of street commissioner.
§ 29-2. Designation of avenues and streets.
§ 29-3. City base.
§ 29-4. Littering and penalties.

Division 2 Construction of Sidewalksat Order of City Council

§ 29-5. Authority to order construction.
§ 29-6. Notice to abutting property owners to construct-Duties generally of city clerk.
§ 29-7. Same--Notice to residents.
§ 29-8. Same--Notice to corporations and nonresident property owners; effect of irregularities, etc., in service of notice.
§ 29-9. Same--Time to commence construction.
§ 29-10. Same--Failure to comply with notice.
§ 29-11. Same--Same--Collection of costs from abutting owners.
§ 29-12. Liability of owners of corner property.

Article II Sidewalks, Curbs, Gutters and Driveways

§ 29-13. Construction generally-Concrete worker's bond required; amount.
§ 29-14. Same--Same--Forfeiture.
§ 29-15. Same--Permit--Required.
§ 29-16. Same--Same--Fee.
§ 29-17. Same--City engineer to stake out grade and line; additional fee if stake is removed etc.
§ 29-18. Same--Specifications for sidewalks.
§ 29-19. Same--Compliance with plans of city engineer.
§ 29-20. Same--Construction of driveway, breaking curbing therefor.
§ 29-21. Driving repeatedly over curbing.
§ 29-22. Damage to sidewalk, curb or gutter.
§ 29-23. Excavations under and openings in sidewalks.
§ 29-24. Barricade on sidewalk.
§ 29-25. Sidewalks to be maintained in safe condition.
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Article III Excavations, Barriers and Obstructions

§ 29-27. Permit required for excavations.
§ 29-28. Duty of excavator to replace excavation.
§ 29-29. Deposit of excavated material.
§ 29-30. Excavation to be protected generally.
§ 29-31. Street barriers and warning lights.
§ 29-32. Interference with barriers, etc.
§ 29-33. Obstructions-Buildings, fences, signs, etc.
§ 29-34. Same--Height of awnings above sidewalks.
§ 29-35. Same--Wires.
§ 29-36. Same--Merchandise, etc.
§ 29-37. Same--Permit to erect, etc.

* As to dumping cats to stray upon streets and alleys, see § 5-21 of this Code. As to dumping dogs to stray upon streets and alleys, see § 5-21. As to burning leaves, etc., in streets or alleys, see § 20-7. As to designation of house numbers on avenues running east and west, see § 7-12. As to designation of house numbers on streets running north and south, see § 7-13. For regulations concerning the riding of bicycles on streets and sidewalks, see ch. 6. As to the prohibition of projecting vending machines over or upon any sidewalk or public thoroughfare, see § 32-5. For provisions concerning water on streets and sidewalks, see §§ 33-24 and 33-25. As to the designation of proposed streets and subdivisions, see § 30-17. As to the removal of gravel, etc., from streets, see § 20-8. For regulations concerning streets and roadways and subdivisions, see ch. 30. As to driving vehicles on sidewalks, see § 17-24. As to driving vehicles over closed streets, see § 17-25. As to roadway or street requirements in connection with mobile home communities, see ch. 16. As to roadway or street requirements in connection with mobile home parks, see ch. 16.

Article I In General

Division 1 Generally

Sec. 29-1. Duties generally of street commissioner.

The street commissioner shall, subject to the orders of the mayor and council, have general charge, direction and control of all work in the streets, sidewalks, culverts and bridges of the city, and shall perform such other duties as may be required of him by this Code and other ordinances of the city. (1960 Comp. Ords., § 15-102.)

Sec. 29-2. Designation of avenues and streets.*

With the exception of Canyon View subdivision, all streets parallel to Sheridan Avenue or lying in a general easterly and westerly direction shall be designated as avenues, and all streets parallel to 12th Street or lying in a general northerly and southerly direction shall be designated as streets. (1960 Comp. Ords., § 15-103.)

* As to designation of house numbers on avenues running east and west, see § 7-12 of this Code. As to designation of house numbers on streets running north and south, see § 7-13.

Sec. 29-3. City base.

The official city base or plane of reference, for elevations in the city is hereby fixed at a point at mean low tide referred to as the official bench mark of the United States Geological Survey, bearing the Red Lodge Datum.

The rectangle set out in the stone footing wall of the Pioneer Building, which seat is at a point north 15.8 feet from the southwest corner of Block Nine and at 1.7 feet above the sidewalk level, is hereby declared to be the primal bench mark of the city, and the elevation thereof is four thousand nine hundred ninety and eighty-three one hundredths feet, above the mean low tide.

All official elevations hereafter established in the city shall be described with reference to their elevation as compared with the official base in feet and decimal parts of a foot. No grade or official elevation shall be established other than by ordinance, and in the manner described in this section. (1960 Comp. Ords., § 15-104.)

Sec. 29-4. Littering and penalties.

(a) No person shall place, throw, scatter or deposit garbage, debris, refuse or waste material, objects or substances, including abandoned or junked vehicles, upon the property of another or any street, alley or right-of-way in the city. Operators or persons in control of motor vehicles are responsible under this section for the disposition or ejection of garbage, debris or other materials from the vehicle while the vehicle is being operated or occupied within the city.

(b) Littering is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars. The court may suspend all or part of a sentence imposed under this

section and require the person convicted of littering to perform up to forty hours of labor in the form of cleaning litter debris from the streets, sidewalks, alleys, parks and other public areas or facilities. (Ord. No. 00-10, § 2.)

Division 2 Construction of Sidewalks at Order of City Council

Sec. 29-5. Authority to order construction.

The city council is hereby authorized to order by motion or resolution the construction of any cement or concrete sidewalk that may be deemed necessary for the use of pedestrians, or for the proper development of the immediate vicinity where such sidewalk is required. (1960 Comp. Ords., § 14-201.)

Sec. 29-6. Notice to abutting property owners to construct--Duties generally of city clerk.

The city clerk shall immediately ascertain the names of the owners of the property referred to in section 29-5 and shall within five days after ascertaining the same, serve written notices upon each owner of the property adjacent or abutting upon the sidewalk to be constructed or reconstructed as directed by the council.

The city clerk shall on or before the first regular meeting held by the council after the service of the notices so made by him, make a return showing upon whom service was had and how. (1960 Comp. Ords., §§ 14-201, 14-204.)

Sec. 29-7. Same--Notice to residents.

Service of the notice required by section 29-6 upon resident property owners abutting on any such improvement to be directed to be made, shall be made by delivering a copy of such notice to the owner of the property or by leaving a copy thereof at the usual place of residence of such owner, with some member of his family or other person in his employ over the age of fourteen years. (1960 Comp. Ords., § 14-202.)

Sec. 29-8. Same--Notice to corporations and nonresident property owners; effect of irregularities, etc., in service of notice.

In case the owner of abutting property is a corporation and has any agent or officer residing with the city, then service shall be made upon such corporation in the same manner as provided by the laws of the state for the

service of summons upon a corporation in a civil action, commenced in the district courts of the state. If the owner is a nonresident of the city, then the city clerk may serve the notice by registered mail, if he can ascertain the place of residence of such nonresident owner, and in the event he cannot be so served, then service can be made by advertising twice in a weekly newspaper published in the city.

No irregularity in the method of service shall in any manner affect any assessment made under the provisions of this division, if the provisions of this section have been substantially complied with, and shall not affect such assessment whatever, if the owner of such property has actual notice of the resolution or action of the council for the same length of time fixed in the notice herein required to be served upon him. Service in a newspaper shall be deemed completed at noon following the day of the last publication. (1960 Comp. Ords., § 14-203.)

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Sec. 29-9. Same--Time to commence construction.

The notice referred to in this division shall require the owner of the abutting property to construct or reconstruct, as the case may be, such sidewalk within fifteen days from the service of such notice. (1960 Comp. Ords., § 14-202.)

Sec. 29-10. Same--Failure to comply with notice.

If at the expiration of fifteen days from the date of the service of notice the sidewalk shall not have been constructed or reconstructed, as the case may be, as provided by this division, along the property where the same is ordered by the city council to be constructed or reconstructed, the city council may order the work done either by day labor or by contract, and may provide that the payment for the expenses and cost of same shall be paid in the first instance by the city or that certificates of indebtedness shall be issued therefor as provided by law. (1960 Comp. Ords., § 14-205.)

Sec. 29-11. Same--Same--Collection of costs from abutting owners.

In all cases where the sidewalks have not been constructed, repaired or reconstructed by the owners of abutting lots and it has been done by the city as provided in section 29-10, the street commissioner shall make out and return to the council, upon the completion of such sidewalk, an accurate and detailed report of the cost of construction including the engineer's fee; provided, however, that the work done by contract need not be so returned. The city council shall thereupon cause notice to be given in a manner as nearly similar as may be in case of equalization of taxes, by the board of equalization, but may set any date it deems proper for the hearing upon such notice. The notice shall specify the amount it is proposed to be assessed against the person so notified. At the time of the hearing upon such notice or thereafter, the city council shall apportion the expenses and costs heretofore mentioned, charging each lot with its just proportion of the costs and expenses of construction, repair or reconstruction, such charge to be apportioned according to the frontage of each lot or part of lot abutting such improvement. The city council may thereupon assess and place upon the tax list for the current year the proportion of the cost and expense of constructing or reconstructing such sidewalks, as a special assessment against each lot or part of lot abutting thereon; such assessment to be collected and the collection thereof to be enforced in the same manner as near as may be provided by law or ordinance for the collection and compelling the collection of taxes for general revenue purposes, and the proceedings in reference thereto shall be as nearly as may be, the same as in the collection of taxes for general revenue purposes.

Instead of assessing the charges and expenses against the property as is contemplated in this section, the council may direct the issuance of certificates of indebtedness to the person so constructing or reconstructing or repairing such

sidewalk or sidewalks. which such certificate of indebtedness shall state the amount due to such person by reason thereof stating the property in front of which such work was done. and shall be signed by the mayor, countersigned by the city clerk and the seal of the city attached. Such certificates shall draw interest at the rate of one percent per month, after its date until paid, and shall when recorded in the office of the county clerk, be a lien on and against the property stated in such certificate. Payment of such certificate may be enforced as provided by law. (1960 Comp. Ords., § 14-206, 14-208

Sec. 29-12. Liability of owners of corner property.

The owner of any property adjacent to the street corners shall install, or such property shall be assessed for, that portion of the sidewalk extending from the property line to the nearest curb in both directions. (1960 Comp. Ords., § 14-207.)

Article II Sidewalks, Curbs, Gutters and Driveways*

* For state law as to authority of city in connection with sidewalks generally. see W.S., 1957. § 15.1-3(10).

Sec. 29-13. Construction generally--Concrete worker's bond required; amount.*

No person shall construct or reconstruct any cement sidewalk, curb, gutter or driveway, or do any other concrete work on any street or alley, without first having filed a bond with the city clerk.

Such bond shall be in the amount of one thousand dollars as a guarantee that he will faithfully comply with the provisions of the specifications covering such work as prepared by the city engineer and with the provisions of this chapter insofar as they may apply to the work he proposes to do. (1960 Comp. Ords., § 14-101, 14-102,)

* As to driving vehicles on sidewalks, see § 17-41 of this Code.

Sec. 29-14. Same--Same--Forfeiture.*

Every person referred to in section 29-13 shall be directly responsible for all work as herein referred to, which may be done under his direction. In the event that any such work is done unskillfully or carelessly, or should such person neglect or refuse to comply with the specifications herein referred to, or with this Code or other city ordinances, the city engineer may recommend to the mayor and city council the forfeiture of the bond.

The mayor or city council may order that the bond of such person shall be forfeited. (1960 Comp. Ords., § 14-108.)

* As to injuring city property generally, see § 20-4 et seq. of this Code.

Sec. 29-15. Same--Permit--Required.

No person shall construct, reconstruct, or remove any sidewalk, curb, gutter or pavement, without first having obtained a permit from the city engineer specifying the work to be done. (1960 Comp. Ords., § 14-103.)

Sec. 29-16. Same--Same--Fee.

Before issuing the permit required by section 29-15, the city engineer shall collect for the benefit of the city a fee of ten dollars for each fifty foot lot or fractional part thereof, for the benefit and improvement of which such permit is to be made. (1960 Comp. Ords., § 14-104.)

Sec. 29-17. Same--City engineer to stake out grade and line; additional fee if stake is removed, etc.

(a) After a permit is issued, the city engineer shall stake out, or have staked out, the established grade and line to which the sidewalk or curb and gutter must be built; and no additional charge shall be made therefor.

(b) If the grade stakes are removed or lost before the proposed improvement is constructed or reconstructed, the city engineer shall cause the same to be reset, charging a fee, and issuing his official receipt therefor, in an amount equal to the fee for issuing such permit. (1960 Comp. Ords., § 14-105.)

Sec. 29-18. Same--Specifications for sidewalks.

Sidewalks shall be constructed of the best quality of Portland cement concrete and shall be of such composition as may be specified by the city engineer. No sidewalks shall be constructed of boards, planks or wooden materials. No work shall be done on any sidewalk or curb except with strict compliance with the specifications compiled by the city engineer, and all materials and work shall comply with the specifications furnished by the city engineer. (1960 Comp. Ords., § 14-106.)

Sec. 29-19. Same--Compliance with plans of city engineer.

All sidewalks or curbs and gutters shall be laid to the grade lines established by the city engineer. At the intersection of curbs and gutters or sidewalk with any alley or driveway, and at all street corners, such curbs and gutters, sidewalks and driveways shall be installed only in accordance with the plans furnished by. the city engineer. if any such sidewalks, curbs and gutters are not laid or constructed in accordance with the provisions hereof, the city council may direct the same to be relaid or reconstructed at the expense of the owner of the abutting property. (1960 Comp. Ords., 14-107.)

Sec. 29-20. Same--Construction of driveway; breaking curbing therefor.

(a) In all cases where access is required for driveway purposes, it shall be necessary to make application to the office of the city engineer for permission to break the curb. Upon the city engineer's approval of the plans and specifications for such curb cut and the determination that same can safely be allowed so as not to interfere with traffic and cause a hazardous condition the application shall be approved and the necessary permission granted.

(b) No curbing shall be allowed to remain broken, and the new driveway must be constructed as one unit with the existing curb and gutter, with connections at either side properly made at the existing joints.

(c) if at any time a driveway or curb cut shall no longer be necessary or is abandoned by disuse, then the property owner shall replace or restore the necessary curb, gutter and sidewalk. if the property owner fails or refuses to take such corrective measures, then the city may do so and the cost and expenses of same shall be paid by the property owner. (1960 Comp. Ords., § 14-12; Ord. No. 7§ 8-10.)

Sec. 29-21. Driving repeatedly over curbing.

It shall be unlawful for any person in the city to repeatedly drive over any curbing. (l960 Comp. Ords., § 14-112.)

Sec. 29-22. Damage to sidewalk, curb. or gutter.

No person shall damage or tear up any sidewalk, curb or gutter without authority from the proper official, so to do. (1960 Comp. Ords., § 14-111.)

Sec. 29-23. Excavations under and openings in sidewalks.

(a) Each coal room or other opening under a sidewalk shall be constructed as follows: The outer wall next to the street shall be formed of concrete, stone or brick not less than twelve inches in thickness, or such additional thickness as the city engineer may require, and no part thereof shall project beyond the curbstone. The sides or return walls shall be of the same materials and at least eight inches thick. The top shall conform with the sidewalk grade and shall be constructed of reinforced concrete of a thickness and design approved by the city engineer, and supported on iron beams or reinforced concrete beams of sufficient strength to carry a load of one hundred fifty pounds to the square foot exclusive of the weight of materials used in construction.

(b) Where an excavation has been made under a sidewalk, any opening in the sidewalk shall be of a size and design approved by the city engineer, and shall be covered with an iron manhole and cover not exceeding twenty-four inches in diameter, or by sidewalk doors of steel or iron, set flush with the sur-

face of the walk. No cover for any such opening shall have a surface that may, under any conditions, become slippery or hazardous to pedestrians.

(c) Every opening in a sidewalk, leading to an underground room or space, shall at all times be maintained in good condition. No such opening shall be allowed to remain open except with the proper barricade, and at no time longer than absolutely necessary. Any person in charge of such underground space and opening, shall be liable for any and all damages resulting from accident or injury caused in any way by such opening. (1960 Comp. Ords., § 14-109.)

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Sec. 29-24. Barricade on sidewalk.

(a) Where any sidewalk or portion thereof is in the course of repair or construction or is so defective as to constitute a hazard, the contractor making such repairs or the owner or agent of the property abutting upon such sidewalk shall cause a barricade to be erected to safeguard against accidents. Where there is not sufficient light to reveal such barricade, there shall be suitable warning lights placed thereon, which shall be in operation from dusk to daylight.

(b) Such barricade shall be maintained so long as required, but no longer; and shall not be interfered with, changed or removed by any person other than the contractor, owner or agent. (1960 Camp. Ords., § l4-110)

Sec. 29-25. Sidewalks to be maintained in safe condition.

(a) Every sidewalk shall be maintained in a safe condition at all times, by the owner of the property abutting thereon.

(b) There shall be a uniform level and slope to each sidewalk and no uneven surfaces, variations in grade or other condition that might be instrumental in causing injury to any person, shall be permitted to exist.

(c) Where any existing sidewalk does not conform with the grade prescribed by the city engineer, the owner of the abutting property shall cause the same to be relaid to the grade, at his own expense. (1960 Comp. Ords., § 14-113.)

Sec. 29-26. Snow and ice on sidewalks.*

(a) Every sidewalk or space where sidewalk should or may be constructed within the city shall be maintained clean and free from snow, ice or slush, by the owner, agent or occupant of the premises abutting thereon, whether the same be a vacant lot or contain an occupied or unoccupied building of any kind.

(b) All sidewalks through the business district of the city shall be kept clear, for the safety and comfort of pedestrians, at all times during any continued or heavy snowfall. (1960 Comp. Ords., § 14-114.)

* For state law authorizing the city owners or occupants of adjacent premises to keep sidewalks free from snow, see W.S., 1957, § 15.1-3 (10).

Article III Excavations, Barriers and Obstructions

Sec. 29-27. Permit required for excavations.

No person shall make, or cause to be made any excavation, or dig or cause to be dug, any hole,, drain or ditch in any street, sidewalk or alley or other public grounds in the city without first having obtained the written consent of the street commissioner, and then only for temporary and necessary purposes. (1960 Comp. Ords., § 15-701.)

Sec. 29-28. Duty of excavator to replace excavation.

It shall be the duty and liability of the person responsible for any excavation referred to, in section 29--27 to replace the same in its original condition in accordance with the specifications of the street commissioner and within the time limit fixed by the permit. (1960 Comp. Ords., § 15-702.)

Sec. 29-29. Deposit of excavated material.

In making excavations in streets and highways for the laying of service pipes or making repairs, the earth or other material removed must be deposited in a manner that will occasion the least inconvenience to the public. (1960 Comp. Ords., § 12-124.)

Sec. 29-30. Excavation to be protected generally.

No city officer or employee, or any contractor or other persons shall make any excavation or dig any hole, drain or ditch in any thoroughfare, without providing a suitable barricade around or in front of same, with appropriate warning lights in operation from dusk to daylight. (1960 Comp. Ords., § 15-703.)

Sec. 29-31. Street barriers and warning lights.

Whenever it becomes necessary for the street commissioner to close to traffic any street or alley, or any portion thereof, for the purpose of making repairs or improvements, it shall be the duty of such commissioner to erect, or cause to be erected, suitable barriers across such street or alley, with appropriate warning lights in operation from 6:00 P.M. to 6:00 A.M., of each day at both ends of every obstruction upon any street and at intervals of seventy-five feet along the same. (1960 Comp. Ords., § 15-704, 23-111.)

Sec. 29-32 Interference with barriers, etc.

It shall be unlawful for any person to drive upon or into any barricade, repairs or improvements as referred to in this article, Or to remove, or cause to be removed, any part of such barricade or warning device. (1960 Comp. Ords., § 15-705.)

Sec. 29-33. Obstructions--Buildings, fences, signs, etc.

No person shall erect, build or set up in the city, in whole or in part, any fence, sign post, shop or any other building or obstruction whatever, in or upon any street, alley, sidewalk or other public place, provided, however, merchandise, A-frame signs, merchandising props and flower pots may be placed on the sidewalk by a merchant in front of its business as long as the same does not impede pedestrian traffic or interfere with parked cars or passengers exiting same. No A-frame sign shall be larger than two foot by four foot. No sign, awning or other obstruction shall be suspended from any building into or over any sidewalk, street or alley, so as to obstruct or interfere with the pedestrian traffic or vehicle traffic, nor shall any sign, awning or other obstruction be suspended in or over any portion of the street other than the sidewalk line. (1960 Comp. Ords., § 15-707; Ord. No. 89-4, § 1.)

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Sec. 29-34. Same--Height of awnings above sidewalks.

All awnings, including the aprons thereof, and all suspensions from any buildings and all suspensions whatever over any sidewalk shall not come nearer the sidewalk than seven and one-half feet. (1960 Comp. Ords., § 15-707.)

Sec. 29-35. Same--Wires.

With the exception of wires required for the operation and service of a public utility, no person shall install, erect or extend wires of any kind across any street, alley or public way. (1960 Comp. Ords., § 15-707.)

Sec. 29-36. Same--Merchandise, etc.

No person shall place or cause to be placed upon or over any sidewalk in the city, or suspend over or place or deposit in any street or sidewalk, goods, wares and merchandise for sale, show or otherwise, beyond or from line of lot where such goods may be placed or suspended. (1960 Comp. Ords., § 15-707.)

Sec. 29-37. Same--Permit to erect, etc.

Nothing in sections 29-33 to 29-36 shall prohibit the mayor or city council, in their discretion, from giving permission for the erection of temporary signs, banners or necessary obstructions. (1960 Comp. Ords., § 15-707.)

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Chapter 30

SUBDIVISION OF LAND

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Article I. General Provisions

Sec. 30-1. Intent and purpose.

It is the intent and purpose of this chapter to promote orderly and systematic development of lands to the advantage of the subdivider, future property owners and the general population of the City of Cody. It shall establish guidelines and minimum standards to assist the subdivider and promote the development of a safe and healthy living environment. (Ord. No. 89-12, § 1(part).)

Sec. 30-2. Subdivision required.

(a) A subdivision will be required when the division of any parcel of land, other than a whole legal subdivision as defined below, into two or more pieces for the purpose of sale is desired.

(b) A subdivision will be required when the division of any parcel of land being a whole legal subdivision, into three or more pieces, for the purpose of sale is desired.

(c) The division of a whole legal subdivision into two pieces will not require a subdivision but will require a certificate of survey to be filed in the county clerk's office for record of such division.

(d) No tract of land that is not a whole legal subdivision may be divided in any manner unless and until the requirements of this chapter have been complied with. (Ord. No. 89-12, § 1(part).)

Sec. 30-3. Definitions.

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

Alley. A public right-of-way primarily designed to serve as secondary vehicular access to the back or side of lots which have principal access on a platted street.

Area. Shall be the total square footage of land within a lot of a subdivision.

Block. A tract of land divided into lots bounded by streets and/or alleys.

Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the governing body.

Boundary Adjustment. Modification of the size or alignment of adjacent parcels through relocation of their common boundary where an additional parcel is not created, and where the existing parcel which is being reduced in size is not reduced below the minimum lot size established by the zone which applies to the property, nor is any zone violation caused by moving the boundary.

City. Shall be the city of Cody.

Commission. Shall be the city of Cody Planning and Zoning Commission.

Conceptual plan. A sketch or drawing showing the location of the proposed subdivision, any zoning changes required, explanation of why the subdivision is to be done, and the proposed use of the subdivided lands.

Council. Shall be the city council for the city of Cody.

Cul-de-sac. Shall be a street having only one outlet and having one appropriate terminal for the safe and convenient reversal of traffic movement.

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Easement. Shall be any strip of land created by the subdivider for public or private utilities, drainage, sanitation: or other: specific uses having limitations, the title of which shall remain in the name of the property owner.

Floodplain. Shall be that area along a stream, river, or other natural waterway that is subject to potential flooding and extreme water table fluctuation on a seasonal basis.

Improvements. Shall be any street paving or resurfacing, curbs, gutters, sidewalks, water lines, water service lines, sewer lines, sewer service lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of raw lands into building sites.

Lot. A piece or parcel of land or assemblage of contiguous parcels of land, as established by survey, plat or deed, occupied by a single principal building or principal use and accessory building or uses thereto, having limited fixed boundaries, an assigned number, letter, or other name through which it may be identified, together with such open spaces as are required by city ordinances and having frontage on a dedicated public or private street.

Flag Lot – Any lot which has less then 50 feet of fee simple frontage on a public right-of-way unless part of a Planned Unit of Development. Flag lots shall not be allowed in the development of Subdivisions and Minor Subdivisions.

Front lot. Shall be that side of a lot abutting on a street and ordinarily regarded as the front of the lot. In the case of a corner lot the front shall be the same as the adjacent interior lot fronts.

Lot types:

(a) "Corner lot" shall be defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if the total central angle of that portion of the curve abutting the lot is greater than seventy-five degrees.

(b) "Interior lot" shall be any lot with only one frontage on a street.

(c) "Double frontage lot" shall be any lot other than a corner lot which has frontage on more than one dedicated public street.

Master plans. Shall be any plans for the orderly future development of lands, streets, water, sewer, storm sewer and all other utilities for public use that have been approved by the Cody city council.

Minor Subdivision – Any subdivision that the Planning, Zoning and Adjustment Board has determined shall facilitate isolated infill development within municipal boundaries and either: (1) revises the plat affecting not more than 5 lots previously created by said plat; or (2) creates 5 or fewer lots without requiring the creation of any new streets or the extension of water and sewer utilities or any new public improvements. The intent of this ordinance defining Minor Subdivisions as a specific category is to facilitate isolated infill within the Municipal boundaries. Approval of a Minor Subdivision shall rest upon finding by the City of Cody Planning, Zoning and Adjustment Board, as demonstrated by the applicant for a Minor Subdivision, that the intent of city regulations is achieved.

Monuments. Shall be any permanent concrete, metal or government survey marker used to establish definite lines of the plat of a subdivision, including all lot corners, boundary line corners, and all points of change in street alignment.

Open spaces. An open space to the sky which may be on the same lot with a building. The area may include, along with natural environmental features, swimming pools, tennis courts, and other recreational facilities that the commission and council deem permissive. Streets, alleys and utility easements shall not be included.

Parks. Shall be any lot, group of lots, or tract, within the subdivision, dedicated to the city by the subdivider for public use to meet the open space requirement of the final plat.

Plat. Shall be a map or layout of a proposed subdivision indicating the location and boundaries of individual properties.

(a) "Preliminary plat" shall be the preliminary drawing or drawings, described in these regulations indicating the proposed layout of the subdivision lots and utilities to be submitted to the commission and council for approval.

(b) "Final plat" shall be the final map or drawing, described in these regulations, upon which the subdivider’s plan of the subdivision is shown and presented to the commission and council for approval, and which, if approved, will be submitted to the county clerk for recording.

Right-of-way. Shall be a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the developer on the plat on which such right-of-way is established.

Street. Shall be a way of vehicular travel, dedicated for public use by the subdivider, developed to the dimensions and standards as established within the city master street plan. Streets shall be designed in accordance with accepted engineering practices with the minimum cross-section being as shown on the city of Cody standard construction detail sheet.

Street types:

(a) "Arterial streets" shall be major two or four-lane travel ways designed for the continuous flow of a large quantity of vehicles. The typical section shall be as shown in the master street plan.

(b) "Collector streets" shall be major travel ways other than arterial streets designed to gather or collect traffic from residential areas. The typical section shall be as shown on the master street plan.

(c) "Residential streets" shall be travel ways designed to carry the traffic and meet the parking needs of residential areas. The typical section shall be as shown in the master street plan.

(d) "Marginal streets" shall be minimal flow residential travel ways usually terminating with a cul-de-sac. Development of marginal streets by a subdivider will be actively opposed but may be permitted under extreme conditions. The typical section shall be as shown in the master street plan.

Subdivider. Any person, firm, partnership, joint venture, association or corporation participating as an owner, in the planning, platting, development, promotions, sale or lease of a subdivision.

Subdivision. Shall be the division of any lot, tract or parcel of land, as described in Sec. 30-2 of this chapter.

Utilities. Shall refer to services or products provided to a landowner by the city or a company for the benefit of the landowner such as natural gas, treated or raw water, sanitary and storm sewer, telephone, cable television, etc.

Vicinity map. A drawing located on the plat or plan which sets forth by dimensions or other means, the relationship of the proposed subdivision to other nearby developments or land marks and community facilities to better locate and orient the proposed subdivision.

Whole legal subdivision. Shall be defined as being any one of the following parcels of land:

(a) Any numbered fractional lot or nominal forty-acre aliquot part of a section of land as described under the original government survey or the government resurvey in accordance with the United States sectionalized land system;

(b) Any numbered homestead entry survey;

(c) Any numbered mineral survey.
(Ord. No. 89-12, § 1(part); Ord. No. 98-1, § 1.)

Article II Application of Regulations

Sec. 30-4. Plat approval.

No final plat of a subdivision shall be approved by the commission or the council unless it conforms to the provisions of this chapter or variances granted under Sec. 30-15. (Ord. No. 89-12, § 1(part).)

Sec. 30-5. Control over platting.

(a) All plats of subdivisions of land requiring approval of the council shall be filed and recorded only after having been recommended for approval by the commission with such recommendation entered in writing on the plat and signed by the chairman of the commission, and after having been approved by the council with such approval entered in writing on the plat by being signed by the mayor and attested by the city clerk.

(b) No building shall be erected on any lot in any subdivision, nor shall a building permit be issued by the city for a building until all improvements reasonably expected and required by the city such as streets, curb and gutter, sidewalk, sewer service, water service, etc., have been installed, approved and accepted by the city for the lot upon which the building is to be constructed. (Ord. No. 89-12, § 1(part).)

Sec. 30-6. Jurisdiction.

(a) This chapter applies to all land located within the corporate limits of the city and all land located within one mile of the boundaries of the city, the subdivision of which requires approval of the council. This approval shall also be required on the placement of all improvements as well as the layout of the proposed lots.

(b) The following standards shall be applied by the city in determining whether to approve or disapprove plats of subdivisions located within one mile of the corporate limits of the city:

(1) Property that meets the requirements for annexation pursuant to state law will not be approved for subdivision without being annexed into the city.

(2) Subdivision of land which is not contiguous to the city but meets the other requirements for annexation pursuant to state law will not be approved for subdivision if it appears that intervening property owners are willing to join and cooperate in an annexation upon reasonable terms.

(3) Proposed development within one mile of the boundaries of the city shall otherwise conform to all of the subdivision requirements of the city, and the city shall further require a written enforceable and recordable agreement that all of the property within the area of such subdivision will be voluntarily annexed to the city upon request by the city when it becomes contiguous to the corporate limits of the city, and the improvements required by the city shall further be installed at the expense of the landowners of the subdivision and in accordance with city specifications at the time of annexation or when. requested by the city. A statement outlining the above requirements shall be placed upon the proposed final plat.

(4) Such agreement shall further provide that all construction within the area of such subdivision shall conform with all ordinances, rules, and regulations of the city and be subject to inspection by the city, all as if it were located within the corporate limits of the city.

(5) All such developments within one mile of the boundaries of the city shall conform to the master plans, projected zoning expectations, and shall, upon request, participate as if it were located within the corporate limits of the city in all public health and safety measures of the city, such as, but not limited to, mosquito control, inspection of underground tanks for the storage of petroleum and other hydrocarbon products, disposal of dead animals, disposal of sewage and garbage, and other such regulations. (Ord. No. 89-12, § 1(part).)

Sec. 30-7. Enforcement; Violation and penalties.

(a) Generally.

(1) It shall be the duty of the city to enforce these regulations and to bring to the attention of the city attorney any violation or lack of compliance herewith.

(2) No owner or agent of the owner, of any parcel of land located in a proposed subdivision, shall transfer or sell any such a parcel before the plat of which subdivision has been approved by the commission and the council, in accordance with the provisions of these regulations, and been filed with the county clerk and recorded.

(3) The subdivision of any lot, parcel or tract of land, by the use of a metes and bounds descriptions for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted. All such described subdivisions shall be subject to all of the requirements contained in this chapter.

(4) No building permit shall be issued by the city for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of this chapter.

(b) Violation and penalties. Any person, firm, corporation, partnership or joint venture which fails to comply with, or violates, any of these regulations shall be subject to a fine of not more than seven hundred fifty dollars per day for each day the violation continues.

(c) Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity to prevent violation of the regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above. (Ord. No. 8 9-12, § 1 (part).)

Article III. Plat Procedures

.Sec. 30-8. Conceptual plan.

In order to properly evaluate a prospective area for subdividing, a conceptual plan may be prepared to a scale not less than one inch equals five hundred feet, extending at least one quarter mile surrounding the proposed subdivision, and displaying existing streets and highways, natural drainage courses, and any other major natural or manmade features of the area. In addition, existing and proposed major use areas for residential, commercial, industrial and public purposes shall be displayed on the plan. It shall also reflect any proposed zoning changes to be requested by the subdivider. This plan shall be presented to the commission prior to submission of the preliminary plat. Minor Subdivisions, as defined in Section 30-3 Definitions, shall be exempt from the Conceptual Plat requirements.

Sec. 30-9. Preliminary plat.

(a) Required. After the subdivider has evaluated the economic feasibility and has decided upon a design for the proposed subdivision, he shall prepare a preliminary plat and the required supplemental materials for presentation to and recommendation for approval of the commission.

(b) Purpose. The purpose of this preliminary plat is to check the proposed subdivision against the city design standards, improvement requirements and to insure that the proposed subdivision can and will conform to the city zoning ordinances and city master plans.

(c) Supplemental material presented with preliminary plat.

(1) Proof of ownership. The subdivider will be required to submit to the commission a certificate of ownership prepared by a licensed title insurance firm or the county clerk showing that he is indeed the owner of the lands to be subdivided.

(2) Easements and rights-of-way. Copies of all legally acquired and recorded easements and rights-of-way across the proposed subdivision must be supplied to the commission.

(3) The requests, in writing, for any variances to the zoning or subdivision regulations.

(4) Written application for a zoning change if required for the development of the subdivision.

(5) Such additional preliminary information as may be required by the commission in order to adequately describe proposed utility systems, including water line design, surface improvements, or other construction projects contemplated within the area of the subdivision.

(d) Procedure. The preliminary plat shall be processed as follows:

(1) Twelve copies of the preliminary plat and one copy of the required supplemental materials shall be presented by the subdivider to the city engineer or city building inspector not later than two weeks prior to the next regularly scheduled

meeting of the commission. At the time this material is presented, the subdivider shall be placed upon the agenda of the next regularly scheduled meeting. The two-week time period is required to allow for a proper review by city staff members.

(2) The subdivider and/or his representative will be required to be in attendance at the meetings of the commission and the council for which the proposed plat will be discussed. Failure of the subdivider or his representative to be in attendance will be grounds for the immediate tabling of the preliminary plat until the next regularly scheduled meeting.

(3) If the plat is conditionally approved or disapproved, reasons for such decision shall be given to the subdivider, in writing, along with recommendations for changes that would grant the plat approval.

(4) If a preliminary plat is recommended for conditional approval or disapproval by the commission the subdivider may request, in writing, further review and a hearing before the council.

(5) If additional time is required by the commission for proper review of the plat, the subdivider shall be notified in writing of the extension of the review period, which shall not exceed thirty days.

(6) If the recommendation of the commission to the council is for approval of the plat:

(i) The recommendation for approval shall be valid for a period of not more than one year from the date of the commission's recommendation. A six-month extension may be granted on the basis of unforeseen circumstances;

(e) Preparation. The preliminary plat shall be prepared as follows:

(1) The design shall show the subdividers actual plan for development and therefore shall be a true representation of the subdivision which eventually may be recorded.

(2) The drawing shall be made to a scale of not less than one inch equals one hundred feet. It may be on one or two sheets of a reproducible medium with outer dimensions not more than twenty-four inches by thirty-six inches and meeting the requirements of the county clerk for filing.

(f) Information. The preliminary plat shall contain the following information:

(1) The proposed name of the subdivision which shall not conflict with any existing recorded subdivision within the county.

(2) Location and boundaries of the subdivision as a part of some large subdivision or tract of land, tied to an official government survey.

(3) Names and addresses of the subdivider, the designer of the subdivision, and the engineer or surveyor (who shall be licensed by the Wyoming State Board of Registration for Professional Engineers and Professional Land Surveyors).

(4) Date of preparation, scale, and north arrow (designated as true north).

(5) Exact bearing and distance dimensions of the. exterior boundaries of the subdivision closing to an order of accuracy better than one to five thousand along with the total acreage of the subdivision.

(6) All lands which the subdivider proposes to subdivide and all lands immediately adjacent to the proposed subdivision within two hundred feet, along with the names of all adjacent and adjoining record landowners within said two hundred feet.

(7) Location and principal dimensions of all proposed streets (including their names and typical cross sections), alleys, easements, lot lines and areas to be reserved or dedicated for parks, schools or other public uses. Street dimension shall be in accordance with the city master street plan. Street names shall not conflict with any existing street names within or around the city.

(8) Contour lines will be required at an interval between two feet and ten feet for terrain with a slope less than thirty percent and ten feet intervals for terrain with a slope greater than thirty percent.

(9) Designation of areas subject to flooding due to a one hundred year storm.

(10) Site data including lot designations and approximate lot size.

(11) Proposed sites, if any, for multi-family residential use, business areas, industrial areas, churches and other nonpublic uses exclusive of single-family residential areas.

(12) Zoning on and adjacent to the subdivision.

(13) Names of any adjacent subdivisions.

(14) Location, size, grade, type of material and approximate depth of bury, where applicable, of existing utilities within and adjacent to the subdivision.

(15) Approximate location, size, grade, and type of material of all proposed utilities within and adjacent to the subdivision which shall be in conformance with the city master plans.

(16) A plan for surface runoff drainage which shall be connected to the existing city storm sewer system, where applicable, and in conformance with the city of Cody Storm Water Management Policy, as amended. Minor Subdivisions shall be exempt from this requirement. This does not exempt Commercial Subdivision Developments submitted under the Minor Subdivision regulations from the Site Plan requirements for compliance with the Storm Water Management Policy.

Sec. 30-10. Final plat.

(a) Procedure. After approval of the preliminary plat by the council and within one year of that approval, the subdivider shall present the final plat and all supplemental materials required according to these regulations, to the commission after it has been processed according to the following requirements:

(1) Not more than one year after approval of the preliminary plat by the council twelve copies of the proposed final plat shall be presented to the commission for approval and recommendation to the council. The copies of the plat and one copy of the supplemental materials shall be presented to the city engineer not less than two weeks prior to the next regularly scheduled meeting of the commission. This two-week period is required to allow for proper review by the city staff.

(2) Design of the final plat shall conform to the approved preliminary plat and shall include all changes specified thereon. The commission will review the final plat and its attached supplemental materials and make a recommendation of approval, conditional approval or disapproval to the council.

(3) The subdivider and/or his representative shall be required to be in attendance at the meetings of the commission and the council for which the proposed plat will be discussed. Failure of the subdivider or his representative to be in attendance shall result in the immediate tabling of the final plat until the next regularly scheduled meetings.

(4) When taking action on a proposed plat the written comments of the utility companies will be reviewed and considered along with comments from any other outside agencies and interested parties. Upon completion of the review the commission will recommend approval, conditional approval or disapproval of the plat to the council.

(5) If approval or conditional approval is recommended by the commission the subdivider may present the plat and supplemental materials to the council. Ten copies and the originals of the final plat and supplemental materials shall be delivered to the city engineer or building inspector not less than two weeks prior to the next regularly scheduled meeting of the council. This two-week period is required to allow for proper review by the council.

(6) If the final plat is conditionally approved or disapproved by the commission reasons for such action shall be given to the subdivider, in writing, along with recommendations that would grant the plat approval.

(7) After the final plat is approved by the council it shall be recorded in the office of the county clerk not less than one hundred days after the date of approval by the council, or the approval shall be considered null and void unless written application for an extension of time is made to and granted by the council. The ruling for an extension of time shall be made during a regularly scheduled council meeting.

(b) Supplemental materials presented with final plat.

(1) Water Rights. The subdivider shall provide with the final plat a statement from the state engineers office stating if there are any adjudicated, unadjudicated or pending applications for surface water rights within the proposed subdivision. If there are any surface water rights attached to the subdivision lands, the subdivider must either:

(i) Submit for review and approval an irrigation system that shall be constructed as part of the subdivision to utilize those water rights; or

(ii) Submit proof that; 1) all Cody Canal fees associated with acreage removal or consolidation have been paid and that all fees that would be levied on all lots in the subdivision have been paid for a period of 10 years from the date of final plat application; and 2) the subdivider has entered into an agreement with a Wyoming- licensed engineer or Wyoming- licensed land surveyor guaranteeing that all documentation required by the State Engineer’s Office to transfer the water rights to the City of Cody and to change the use from irrigation to municipal shall be submitted to the State Engineer’s Office within one year from the date of final plat application.

(iii)In the event that the water rights transfer and use change contemplated in Paragraph (b) is not completed within 10 years, the City of Cody shall assume responsibility for paying any subsequent Cody Canal fees.

(2) Utility company statements. Original letters or agreements from all concerned utility companies (telephone, cable TV, gas, electrical, irrigation districts, Wyoming Highway Department, water, sewer, etc.), commenting on the proposed plat shall accompany the final plat. These statements shall clearly define how the utilities will be installed, who will be responsible for each phase of their installation, etc.

(3) Three complete sets of approved plans and specifications for all improvements to be installed. These plans shall carry the stamp, seal, or signature of every federal, state and local agency or company that will be affected by said development and which should have reviewed said plans and specifications. These plans and specifications shall also carry the signature, stamp and registration number of the design engineer.

(4) If townhouses, condominiums or other comparable development is anticipated, the final plat shall be accompanied by covenants to run with the land and the necessary documents for the creation of a homeowners association, prepared in accordance with the requirements of the city, containing adequate provisions for the perpetual care and maintenance of those portions of the subdivision which are to be of common use or ownership, and specifically providing that no provision thereof may be modified, changed, added, or deleted without first having been approved by the city, and such documents shall be submitted for recording at the same time as the final plat.

(5) Satisfactory evidence of ownership of the lands proposed for the subdivision must accompany the proposed plat.

(c) Final plat preparation. The final plat shall be prepared as follows and contain the following information:

(1) The final plat shall conform to the layout of the approved preliminary plat, except that the final plat may constitute only that portion of the approved preliminary plat which is proposed for immediate recording.

(2) The drawing shall be made to a scale of not less than one inch equaling one hundred feet, on a reproducible medium, with waterproof black ink, on one or two sheets having an overall dimension of twenty-four inches by thirty-six inches and meeting the requirements of the county clerk for filing. Good draftsmanship will be required to insure that all information is accurate and legible.

(3) The final plat shall contain the following information:

(i) The proposed name of the subdivision;

(ii) Scale, north arrow and date of preparation;

(iii) Legal description of the property to be subdivided;

(iv) Primary control points, or description and "ties" to control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred (bearing base shall be labeled as such);

(v) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs or chords and central angles of all curves;

(vi) Curve data for all property lines and changes in Street alignment showing the central angle, radius and arc length of the curve (The use of spiral curves for new construction will not be permitted);

(vii) Right-of-way widths for each street, alley or other rights-of-way;

(viii) Names or numbers for each street, which shall not duplicate the name or number of an existing street unless connection of the proposed street is to an existing street, shall be shown. All new streets shall be in conformance with the master street plan;

(ix) Location, dimensions, and purpose of any easements;

(x) Number to identify each block and all lots;

(xi) Location and description of all monuments and property corners;

(xii) Statement by owner dedicating streets, rights-of-way and any other sites for public use;

(xiii) Certificate of surveyor or engineer certifying to the accuracy of the survey and the plat (order of accuracy greater than one to five thousand);

(xiv) Certificate for recommendation of approval by the commission, certificate of approval by the council;

(xv) The plat shall contain a vicinity map of a scale not more than one inch equals five hundred feet. Said map shall extend at least one fourth of a mile in all

(xvi) directions beyond the boundaries of the proposed subdivision. Such map shall show existing streets, highways, natural drainage courses and any other information as may be needed to properly locate the proposed subdivision. (Ord. 89-12, § 1 (part).)

Article IV. Design Standards

Sec. 30-11. Character of land.

(a) Land which the commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the commission, upon recommendation of the city engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses which shall not involve such a danger.

(b) Outside natural and cultural features such as scenic spots, watercourses and historic sites and buildings shall be preserved whenever possible.

(c) Where a residential subdivision borders a railroad right-of-way, a parallel street or buffer zone shall be established. (Ord. No. 89-12, § l(part).)

Sec. 30-12. Streets, alleys, and easements.

(a) All proposed streets, alleys and easements shall align horizontally and vertically with existing streets, alleys and easements adjacent to or lying near the subdivision.

(b) All streets shall conform to the city master street plan for size and approximate alignment.

(c) Street jogs shall be prohibited unless, because of very unusual conditions, the commission and council determine that the offset is justified.

(d) Streets shall have a logical relationship to the topography.

(e) Intersections shall be at or near right angles whenever possible.

(f) Local streets will be designed to discourage thru traffic.

(g) Cul-de-sacs shall be permitted, providing they are no longer than five hundred feet, including the area at the end of said cul-de-sac, and further providing that the property line to property line diameter of the cul-de-sac be at least one hundred feet. Design specifications for curb, gutter, sidewalk and distance from property line to sidewalk shall be in accordance with the typical section of a residential street as defined by the master street plan. Surface drainage shall be towards the intersecting streets whenever possible, but may be out of the cul-de-sac through a drainage easement as a last alternative.

(h) Dead end streets and alleys (with the exception of cul-de-sacs) shall be prohibited unless they are designed to connect with future streets or alleys on adjacent lands that have not been platted. If a dead end street or alley is allowed, for the above reasons, a temporary turnaround shall be constructed for public use until the street or alley is extended.

(i) Half streets will be prohibited. Half alleys will be strongly discouraged. When a proposed half street is adjacent to another property it will be the developer's responsibility to reach an agreement with the adjacent landowner, acquire the required lands from the adjacent landowner to provide the land required to construct the full width street. No plat will be approved until a full width street right-of-way has been platted. When the full width for an alley cannot or will not be provided by the developer, he may be required to meet special requirements established by the commission depending upon the special conditions associated with the proposed development.

(j) Reverse curves on arterial and collector streets shall be joined by a tangent at least two hundred feet in length, residential and marginal streets and alleys shall have at least one hundred feet of tangent length between reverse curves.

(k) Street, alley and easement/right-of-way widths and grades shall be as follows:

	Minimum Right-of-Way Width	Minimum Grade	Maximum Grade
Arterial Street	100’	0.3%	7.0%
Collector Street	80’	0.3%	7.0%
Residential Street	60’	0.3%	7.0%
Marginal Street	46’	0.3%	10.0%
Alleys (See Sec 30-12 P)		0.3%	10.0%
Easements	20’	0.3%	10.0%
Pedestrian Ways and Crosswalks	10’		10.0%

Pedestrian ways and crosswalks may have a maximum grade more than ten percent if steps of an acceptable design are to be constructed.

(l) The minimum. length of vertical curves shall be as follows:

Arterial, collector and residential streets	Fifteen times the algebraic difference in the rate of grade.
Marginal streets and alleys	Seven and one-half times the algebraic difference in the rate of grade.

(m) Clear visibility, measured along the center line of the street shall be as follows:

Arterial Street	300 feet
Collector Street	200 feet
Residential Street	200 feet
Marginal Street	100 feet

(n) The minimum radius of curvature on the centerline of a street shall be as follows:

Arterial Street	300 feet
Collector Street	300 feet
Residential Street	200 feet
Marginal Street	100 feet

These are absolute minimums, greater dimensions will be encouraged in the interest of public safety.

(o) At any street intersection with an interior angle less than seventy degrees the property line shall be rounded with an arc of a minimum radius of ten feet and curbs shall be rounded with an arc having a minimum radius of ten feet plus the distance from the back of the curb to property line as established by the tangents to the intersection. For street intersections with an interior angle greater than seventy degrees the curb shall be rounded by a radius of 9.5 feet.

(p) Alleys shall be required in all subdivisions with the minimum width being twenty feet unless extreme conditions preclude the feasibility of alleys. A variance of up to four feet may be granted by the commission and council in a residential development if setbacks are provided for utility boxes, garbage cans, etc. Alleys shall be constructed with a minimum of six inches of crushed aggregate base course for the finished surface. The specification for the gradation of the crushed aggregate base course may be obtained from the city engineer.

(q) Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set out in Section 30-14(b) by the Planning, Zoning and Board and the Cody City Council. All waivers of curb, gutter, sidewalks shall require acknowledgement by the developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots and be so noted on the Final Plat. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.

(r) The minimum typical street cross-section for each type of street shall be as shown on the master street plan. Details of the city standards for typical paving, curb, gutter, sidewalk, alley aprons and valley gutters sections may be obtained from the city engineer.

(s) The use of valley gutters in areas where storm sewer facilities exist or are proposed will be discouraged.

(t) The area to be subdivided shall be designed to provide proper and sufficient drainage. Runoff and storm sewer systems shall be designed to adequately drain the subdivision and adjacent area that will drain into the subdivision. All storm water system shall be designed to achieve Zero Increase in Runoff and shall be in compliance with the City of Cody Storm Water Management Policy, as amended. They shall be designed and constructed to allow

runoff and storm water to flow by gravity from the subdivision to an adequate outlet. When an existing storm sewer trunk line is available the proposed system shall be designed to connect to it. When an existing storm sewer trunk line is not available, a drainage plan must be developed that is acceptable to the city. Minor Subdivisions shall be exempt from this requirement.

(u) All lots within a proposed subdivision will meet the following requirements:

(1) Lots shall be sized to meet the requirements of the appropriate zoning.

(2) Every lot shall abut upon or have access to an approved street or an approved cul-de-sac.

(3) Side lot lines shall be at approximate right angles to the street line on which the lot faces.

(4) Strip lots established with the intent of restricting access to streets or alleys will be prohibited.

(v) Blocks shall be at least three hundred feet long, normally, not to exceed six hundred sixty feet long. All blocks shall normally be of sufficient width to allow for two tiers of lots of approximately equal width and an alley. (Ord. No. 89-12, § 1(part).)

Article V. Improvements and Additional Requirements

Sec. 30-13. Development and improvement.

Any proposed subdivision that is within the corporate limits of the city or within one mile of the boundaries of the city or which has been proposed for annexation into the city shall be developed with the following improvements, in accordance with city standards and this chapter, at the subdivider's expense.

(a) As stated in § 30-5(b): No building shall be erected on any lot in any subdivision, nor shall a building permit be issued by the city for a building until all improvements reasonably expected and required by the city such as streets, curb and gutter, sidewalk, sewer service, water service, etc., have been installed, approved and accepted by the city for the lot upon which the building is to be constructed.

To insure that all improvements are in place and have been properly installed the following must be submitted to the city:

(i) A statement from a Wyoming registered civil engineer that all improvements are in place and were constructed according to the approved plans and specifications;

(ii) A statement from a Wyoming registered surveyor that all property corners and monumentation is correct and in place as depicted on the final plat;

(iii) A complete set of reproducible "as constructed" plans;

(iv) A copy of the daily construction diary kept during construction of improvements;

(v) Copies of all tests run on construction materials and their placement during construction of the improvements;

(vi) Depending upon the complexity and size of the proposed development and any other special conditions that may arise, a photographic log of the project may also be required;

(vii) A statement from the subdivider guaranteeing the improvements for a period of one year from the date of acceptance by the city. Acceptance of the improvements will not be given by the city until all of the supplemental materials required above have been submitted to and accepted by the city.

(b) Survey monuments and property corners.

(1) Permanent survey monuments shall be set at all corners on the exterior boundary of the subdivision and at all intersections and changes of alignment of the centerline of all streets.

(2) Permanent survey markers shall be set at all lot corners, angle points and changes in alignment of all lot, tract or parcel lines within the subdivision.

(3) Monumentation of corners.

1. Monuments set for the monumentation of all exterior subdivision corners shall be either an eighteen inch long, two-inch diameter galvanized iron pipe set firmly in concrete with a brass screw set within the pipe in concrete to mark the exact location of the point or a standard brass cap firmly set in concrete and properly stamped including the surveyor’s registration number.

(i) Monuments set for the monumentation of all exterior subdivision corners shall be a standard brass cap firmly set in concrete and properly stamped including the surveyor's registration number. Meander lines or irregular boundaries consisting of many short courses and distances may be monumented with a 5/8 inch x 24 inch rebar and cap if approved by the City Public Works Department prior to setting corners. Monument construction shall comply with and be as shown on the City of Cody Standard Street Construction Detail sheet.

(ii) Permanent survey markers for the monumentation of all lot corners, rights-of-way, easements, and any other points shown on the subdivision plat, used to reference property lines, shall be properly stamped 2 inch minimum diameter caps firmly set on a 5/8 inch x 24 inch rebar. The stamped cap shall contain an adequate description of the corner and identification of the surveyor.

(iii)Monuments for the monumentation of street centerline intersections or changes to street alignment shall be a standard brass cap firmly set in concrete flush with the finished roadway surface and properly stamped including the surveyor's registration number, or a 3½ inch standard brass tablet set in a square concrete collar and stamped as said above. Monument construction shall comply with and be as shown on the City of Cody Standard Street Construction Detail sheet.

(c) Curbs, gutters, and sidewalks shall be constructed along both sides of any proposed streets. If these improvements will not be abutting to existing similar improvements on the adjacent lands, it will be the developer's responsibility to prove that his proposed improvements will be compatible with the same improvements when they are placed on the adjacent lands. Examples; grades and depth of piping, drainage direction, street alignment, etc.

(d) Streets shall be designed and constructed according to accepted engineering practices and construction standards with the minimum cross-section being the city standard.

(e) Street name signs shall be installed at all intersections.

(f) Sanitary sewer shall be constructed according to city approved specifications and city construction standards and shall connect to the city system. It shall also be approved by all appropriate state and/or federal agencies. Each lot within the proposed subdivision shall be connected to a minimum eight-inch diameter sewer

main by a minimum four-inch diameter sewer service line. The service lines shall be extended from the sewer main to the property line according to city standards. The use of individual septic systems will not be permitted when a sanitary sewer main is available. If in the city's opinion a larger sewer main is necessary to allow for future development of adjacent areas, an agreement may be entered into between the developer and the city whereby the city may help finance the oversized main. It will be the developer's responsibility to insure that the piping system for the proposed subdivision is connected to the city system.

(g) Storm sewer shall be constructed according to city approved specifications, separate from the sanitary sewer. When reasonably possible the storm sewer shall be connected to the existing storm sewer system.

(h) All water mains will be designed and constructed according to city approved specifications and the city standards. The system will connect each lot within the proposed subdivision to a minimum six-inch diameter main by the use of a minimum three-fourths inch copper service line. The service lines shall be extended from the main to the property line according to city standards. These mains will be connected to the city system. All water mains will be designed in accordance with the city plan, state. and federal regulations and designed to provide adequate flow and pressure under all conditions including major fire conditions. If in the city's opinion larger mains are necessary to allow for the future development of adjacent areas, an agreement may be entered into between the developer and the city whereby the city may help finance the oversized main. It will be the developer's responsibility to insure that the water piping system for the proposed subdivision is connected to the city system. The development of private or community wells for potable water will not be allowed within the corporate limits of the city.

(i) Fire hydrants shall be installed at intervals not to exceed five hundred feet between hydrants and provided with standard hose connections as specified by the fire department.

(j) All open drains and irrigation ditches shall be buried or if possible eliminated.

(k) All utilities (electrical service, natural gas, telephone, cable TV, etc.) shall be installed underground, whenever possible, in the streets, alleys or utility easements shown on the final plat. All buried utilities will be placed before the finished surface is placed on the streets or alleys. Written agreements between the subdivider and each utility company, copies of which will be presented to the city with the construction specifications, shall be drawn up stating who will install the utilities and how the costs for their installation shall be covered. In the event an area is annexed and proposed for subdivision which already has an adequate electrical distribution system, the subdivider will bear all costs that may be accrued to alter the system to make it compatible with the

city system. It will be the developer's responsibility to insure that all utilities necessary or reasonably expected are placed within the proposed subdivision.

(l) Any other improvements, such as bridges, culverts, etc., not specifically mentioned herein but found necessary by the city due to conditions found on the site shall be constructed.

(m) Street lighting shall be installed according to the standards and requirements established by the city electrical commissioner, the cost of which will be borne by the subdivider.

(n) There shall be conveyed to the city an area or areas of land or the cash equivalent thereof, on the basis of 1 acre per 50 prospective dwelling units, to provide for parks, fire stations, recreational areas and other public uses. This requirement shall be in addition to lands dedicated for streets and alleys. Prospective Commercial development densities shall be determined by developers with approval from the Planning and Zoning Board. Minor Subdivisions shall be exempt from this requirement. The dedication of land or cash-in-lieu of land shall be at the sole discretion of the city Council with recommendation from the Planning and Zoning Board and the Parks and Recreation Department. If subsequent rezoning or resubdivision would result in a higher number of prospective dwelling units, additional land or cash equivalent shall be conveyed to the City. If the city Council elects to require cash-in-lieu of land, the amount thereof shall be the fair market value of the land. If the city and the subdivider can not agree on that value, each shall designate an appraiser and the two appraisers so selected shall arrive at a recommended market value, which shall be binding upon the parties. This open space requirement shall be waived if the proposed subdivision is located in an area that has been previously been subdivided and the above requirement was satisfied at that time.

(o) These regulations and requirements shall apply to all property annexed into the corporate limits of the city except annexations initiated by resolutions of the council, and further shall apply to subdivision of property already within the corporate limits of the city. Every party petitioning for annexation shall specifically request that all city services including electrical service, be provided by the city to the area proposed for annexation. No city services shall be extended outside the corporate limits of the city.

(p) The subdivider shall retain a Wyoming registered engineer to inspect the construction of all new improvements or alterations to existing facilities. The engineer shall

provide the city with copies of all daily construction logs and materials testing results. Upon completion of the proposed improvements the engineer shall furnish the city a reproducible set of "as constructed" plans and specifications and a certificate signed by him, containing his registration number, certifying that all improvements have been constructed according to the "as constructed" materials.

(q) If annexation of a proposed subdivision is necessary as stated earlier in these regulations a closed description with an order of accuracy greater than one to five thousand must accompany the subdivision request. (Ord. No. 89-12, § l(part).)

Sec. 30-14. Invalid portions and variances.

(a) If for any reason any part, section, subsection, sentence, clause or phrase of this chapter or the application thereof to any person or circumstances is declared to be unconstitutional or invalid such decision shall not effect the validity of the remaining portion of the chapter.

(b) If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this chapter will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or where the subdivider can show that variances will make a greater contribution to the intent and purpose of this chapter, the commission and council may upon written request and proper justification grant a variance to this chapter so that substantial justice may be done and the public interest secured, provided that any such variance will not have the effect of nullifying the intent and purpose of this chapter.

(c) If conflicts arise between this chapter and any other section of the city codes the more restrictive regulation will govern the situation. (Ord. No. 89-12, § 1 (part).)

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Article VI Boundary Adjustment.

Sec. 30-15. Application requirements.

Boundary adjustments, as defined in section 30-3 shall comply with the following:

(a) Pre-application conference. Prior to filing a boundary adjustment application, the applicant shall confer with the city engineer or his designee and submit a sketch of sufficient detail to make a preliminary decision.

(b) Application shall be made on form provided by the city and shall include name and address of the applicant, the existing legal description of the properties involved, and the reason for the boundary adjustment. The application shall be accompanied by the payment of all appropriate fees as set by the city council. (Ord. No. 98-1, § 2(part).)

Sec. 30-16. Boundary adjustment requirements.

(a) Boundary adjustments require a property survey prepared by a licensed land surveyor that shows easements, buildings, utilities, encroachments, curb cuts and pertinent right-of-way improvements and shall contain a Title of "Boundary Adjustment Survey," a certificate for approval by the city engineer, a certificate of surveyor, a certificate of owner, and a clerk and recorder acceptance. A copy of such survey or plat shall be submitted with the application.

(b) The boundary adjustment survey shall identify the exterior boundaries of all properties involved in the adjustment and shall identify the receiving parcel as a single parcel including the property to be added. Revised legal descriptions of the parcels involved shall accompany the survey.

(c) The boundary adjustment survey and conveyance document shall contain a binding covenant that the land being conveyed is for the sole purpose of adjusting the boundary line between parcels and is not to be sold or transferred as a separate parcel by the grantee, heirs and assigns.

(d) If the boundary adjustment is to adjust boundary lines between lots within a recorded plat and the owners wish to retain the lot and block legal description of the recorded plat, an amended plat of the recorded plat shall

be submitted by a licensed land surveyor along with a plat certificate. The amended plat shall contain an acknowledgment certificate signed by all owners having title interest. The acknowledgement shall include that the "purpose of the amended plat is for adjusting boundary lines between the lots as shown." The amended plat shall contain a certificate for approval by the city engineer, a certificate of surveyor, a certificate of owner, and a clerk and recorder acceptance. (Ord. No. 98-1, § 2(part).)

Sec. 30-17. Boundary adjustment approval/recording.

(a) When the requirements of this chapter are met and meets the approval of the city engineer, the city engineer shall certify approval for the boundary adjustment. If the city engineer denies the application, the applicant may appeal the decision to the planning, zoning and adjustment board.

(b) The surveyor shall set the necessary monuments, record the survey with the county clerk and submit a copy to the city engineer.

(c) A boundary adjustment is not valid until the recording requirements of paragraph (b) have been complied with. (Ord. No. 98-1, § 2(part).)

Sec. 30-18. Planned unit development.

(a) Description.

(1) The planned unit development (PUD) is intended to provide a mechanism for land development through an overall, unified approach rather than the traditional lot-by-lot approach. This option encourages innovative approaches to land development by means of flexibility in design and land utilization in order to create an improved living environment, preserve the unique features of the site, and provide services in a more efficient manner. Unlike standard zoning classifications, the PUD allows for a variety of types of residential and/or commercial development and encourages appropriate mixes of residential product types.

(2) A PUD is developed as a single entity under a plan which may provide a variety of land uses, housing types and densities, and which provides design characteristics in addition to those ordinarily allowed by right or condition in the zoning district in which it is located. It is intended that each PUD will be a separate develop-

ment, having differing design characteristics for the uses and improvements, based upon a particular site situation.

(b) Intent.

(1) The intent of the planned unit development in Cody is: to encourage flexibility, innovation of design, and variety of development types in order to promote the most suitable use of a site and so that greater opportunities for housing, recreation, shopping, and employment may extend to all citizens of Cody.

(2) To facilitate efficient provision of streets, utilities, and municipal services.

(3) To encourage a functional system of pathways appropriate to the scale of a development.

(4) To achieve a compatible land use relationship with the surrounding area.

(5) To preserve the unique, natural, scenic, historical, and cultural features of the site.

(6) To develop and preserve usable common areas.

(7) To beautify and improve the quality of life in the City of Cody, Wyoming and to insure compliance with the city subdivision regulations and the city zoning ordinance.

(8) To encourage a high quality of design.

(9) To encourage the conservation of energy.

(10) To promote and encourage affordable housing.

(11) To avoid construction in unsuitable areas.

(12) To encourage creativity in design, including flexibility in residential siting to achieve energy conservation.

(13) To provide for a mix of land uses where enough land area is present to design an integrated neighborhood consisting not only of various types and densities of residences, but to include appropriate neighborhood related non-residential uses.

(14) To protect existing neighborhoods from the harmful encroachment of newer incompatible development by

allowing redevelopment of existing sites or in-fill of vacant property within developed areas through approval of a design plan. The design plan could reduce setbacks and other requirements to allow new residential or commercial development that matches the character of the surrounding existing neighborhood.

(15) To encourage patterns of development that decreases automobile travel and thereby reduces traffic congestion.

(16) To promote development patterns of residential, commercial, and office uses that will mutually benefit the developer, the neighborhood, and the community as a whole.

(c) Application and uses of a planned unit development.

(1) A PUD may be established in any residential or commercial zoning district. A PUD may be applied to any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels of ground. Any use or combination of uses may be allowed in a PUD provided such uses are consistent with the Cody master plan and the intent of this chapter.

(2) All PUDs shall consist of a harmonious arrangement of uses, buildings, parking areas, circulation, and common areas. Each PUD shall be designed as an integrated unit, in such a manner as to constitute a safe, efficient, and convenient development.

(3) Any PUD shall be considered as a conditional use within the zoning district in which it is to be located.

(4) The Cody city council retains final approval authority for all planned unit developments.

(d) Special conditions of a planned unit development.

(1) Single entity ownership. The tract of land involved shall be either in one ownership or the subject of an application filed jointly by the owners of all the property to be included.

(2) The approved final plan shall specify the manner of holding title to areas and facilities of joint use. Normally such areas and facilities shall be retained

in title by the developers of the development or deeded to an organization composed of all owners in the development.

(3) Use of general building and development standards. All PUDs shall be reviewed with consideration given to the established zoning and subdivision development regulations of the City of Cody. However, these regulations will be only used as a guide. Approval of a PUD shall rest upon a finding by the City of Cody, as proved by the applicant for a PUD, that the intent of city regulations is achieved.

(4) The City of Cody may establish general design standards, guidelines, and policies, for the purpose of implementing and interpreting the provisions of the PUD regulations.

(e) Absolute development standards.

These standards may not be varied for any project being developed and reviewed pursuant to this section.

(1) Minimum site area. A PUD shall consist of land area of a minimum of one acre in size; the planning, zoning, and adjustment board may permit a smaller land area with written approval. Minimum individual lot area, width, and yard requirements do not apply in a PUD.

(2) Common area. The size of the undeveloped land area to be retained as common area within the PUD shall be based upon the type of development, age group targeted within the proposed development, population density of the PUD, proximity to city parks, golf courses, and other similar recreational amenities, and the anticipated impact of the PUD on city services such as police, water, sewer, streets, sanitation, etc. Roadways and parking areas cannot be included in common area requirements. Refer to Appendix 3, landscape and common area plan, for specific requirements and guidelines. As a general guideline, a minimum of the following land areas should be retained as usable common area.

Common Area Requirements For Planned Unit Developments

Land Use Type	Minimum Common Area Requirement
Residential	20%
Commercial	15%
Industrial	10%

(3) Conformance to the master plan. Projects proposed pursuant to this section shall demonstrate substantial compliance with the Cody master plan in terms of furthering or helping achieve and implement the goals, objectives, policies, and recommendations contained therein.

(4) Conformance with other applicable regulations. Planned unit developments shall conform to all applicable regulations of the City of Cody and Wyoming State statutes, except as modified by this section.

(f) Flexible development standards.

All other development standards (those not specifically listed as absolute standards) such as street widths, density, structural height, setbacks, and required parking are open and flexible, and are to be established for each individual PUD based upon the criteria below.

(1) Front setbacks. Front setbacks are defined as the distance buildings are located from the facing street. Front setbacks shall reflect the general character of the neighborhood and standards of the zoning district in which the PUD is located. Front setbacks should be somewhat varied to avoid regimentation and monotony. The general purposes of front setbacks for the purpose of this PUD regulation are:

(i) Attractive streetscapes that provide a comfortable and pleasing pedestrian environment;

(ii) Functional common area; and

(iii)Light, air, and separation of the structure from the activity of the street.

(2) Side and rear setbacks. Setbacks for side and rear yards are critical factors in terms of neighborhood compatibility. Setbacks in a PUD should reflect those in the immediate neighborhood. The primary purposes of side and rear setbacks are:

(i) Function common area (primarily in rear yards);

(ii) To provide light, air circulation, and privacy;

(iii)To provide separation between buildings that allows for vistas, the use of shared space and visual or physical linkages to common areas;

(iv)To provide private outdoor space (primarily in rear yards); decks, patios, balconies, etc; and

(v) Fire protection.

While side setbacks may be reduced to zero in some urban settings, no setback shall be reduced to the extent that rain, snow, or snowmelt falls on to adjacent property. If the spacing between primary buildings is not equivalent to the spacing that would be required between buildings similarly developed under traditional zoning on separate parcels, other design features shall provide light, ventilation, and other characteristics equivalent to that which would have been obtained from the setback standards.

(3) Zero lot line conditions. Where an individual owns adjoining lots or where the owners of adjoining lots make legal written agreement, a zero lot line concept may be used for multi-unit developments. In all cases, a minimum of ten feet must be retained between separate structures.

(4) Density. The density of a PUD may exceed the density allowed by regulations for the zoning district in which it is located if the density proposed is appropriate and compatible with the existing neighborhood in terms of total population and bulk, scale, and massing of structures. Project density should not result in traffic or any other external impacts that will adversely impact the surrounding neighborhood or adjacent property. In a PUD, density is a function of the base standards, the type and mix of units proposed, and the character of the surrounding neighborhood. Overall density shall be calculated based upon net land area remaining after required parking and right of way have been provided.

(5) Height of structures. The structural height proposed should be in scale with the surrounding neighborhood. Structural heights should be appropriate to the terrain of the project site and to the type of unit(s) proposed. Generally, perimeter setbacks should increase with structural height, and taller structures should be located toward the interior of the site, or elsewhere if the potential for adverse impacts is lessened.

(6) Parking. Parking standards for PUDs shall be set on an individual, project-by-project basis. The City of Cody parking standards shall be a guide in determining appropriate standards. Parking demand is a function of the following factors:

(i) Project location;

(ii) Unit type;

(iii) Size of unit;

(iv)Width and type of street; and

(v) Target market.

(7) Public and private streets. Standards for private streets may be reduced from City of Cody street standards provided that vehicle, pedestrian, bicycle, and resident safeties are not compromised. Street design shall be based upon the type and density of land use served, and total projected vehicle trips. Private streets will not be maintained by the City of Cody. Public streets must be built to city standards except that narrower pavement widths may be allowed.

(i) PUDs may contain private drives not built to city standards, for access to the buildings on site. In this instance all roadways must be dedicated easements for access of owners, law enforcement, and fire and emergency vehicles;

(ii) All PUDs with private roadways shall establish an owner's association and assessment schedule for maintenance fees which shall be recorded with the site plan; and

(iii)PUDs with lots sold to individuals shall be encouraged to dedicate and construct public roads that meet city standards except that narrower pavement widths may be allowed. The city will accept dedication of public roads and maintain these in accordance with city policy for all public roadways. Public roads are not considered part of a PUD site or required common area.

(8) Public sidewalks. All PUDs shall provide public sidewalks as required by the planning, zoning, and adjustment board during the review of the PUD. For development within existing neighborhoods, sidewalks shall be provided in a manner that is consistent and compatible with existing surrounding development.

(9) Architectural guidelines for commercial development.

(i) All convenience store and fast-food uses shall be designed in an architectural and design character

that is appropriate for and compatible with the PUD and neighboring area;

(ii) The planning, zoning, and adjustment board shall regulate use of standardized corporate identification themes integrated into the architectural design. Excessive use of such themes may be used as grounds for denial of the project; and

(iii)The elevation design of the building shall provide design character and detailing on all sides.

(g) Water and sanitary sewer system requirements.

(1) Whenever any building sites are created within the City of Cody and prior to the issuance of any building permits, a central water distribution and a sanitary sewer collection system shall be provided.

(2) These improvements shall be designed, constructed, and installed according to the standards and criteria as adopted by the City of Cody and approved by the Cody public works department and the Wyoming Department of Environmental Quality.

(h) Miscellaneous criteria for review of a planned unit development.

(1) Glare and lighting. Any lighting used to illuminate an off-street parking area, streets, signs or structures shall be arranged so as to deflect light down and/or away from any adjoining residential area. Lighting standards used within any residential PUD shall be of a height and design that is compatible with the adjacent development.

(2) Surface water ponding. Natural ponding areas shall be retained as much as possible. Run-off retention areas should be, if necessary, enlarged or modified as directed by the Cody public works department to restrict off-site run-off. All storm drainage or runoff modifications will require a design by a licensed professional engineer. Drainage computations, design calculations, and final report must be submitted to the Cody public works department for their review and approval.

(3) Common area. All PUDs shall provide functional common area and landscaped areas.

(4) Density. Proposed density shall be appropriate and compatible in terms of the surrounding neighborhood and the zoning district in which the PUD is located.

(5) Variety of residential unit types. As general criteria, PUDs are encouraged to provide a mix of appropriate dwelling unit types and sizes, or, provide a unit(s), which broadens the variety of available housing within the community, or, offer a unit(s) for which there is a recognized need. Large-scale projects that offer little or no diversity and variety of dwelling unit offerings may be denied on that basis.

(6) Historical and cultural resources. The PUD process encourages the preservation of historic and cultural resources. When encountered in the course of development or redevelopment, such resources should be preserved and incorporated into the project design to the extent possible, and in a manner that preserves the integrity and community value of the resource.

(7) Arrangement and design. Structures shall be separated and arranged to provide privacy and to allow opportunities for use of shared common area. Structures should be oriented to common areas such that common area is shared among units. The configuration of lots or units within the project shall provide each lot, unit, or building with a building site that is suitable when considering topography and other natural features. The development shall be compatible with the surrounding neighborhood in terms of bulk, scale, structural mass, and character. Additionally, PUDs should enhance the sense of order, cohesiveness, and/or distinctive identity of the neighborhood in which they are located.

(8) Access. Safe and adequate access shall be provided to all areas of the proposed development, either directly or indirectly, by a public right-of-way, private vehicular or pedestrian way, or a commonly owned easement. Points of access shall be located and designed to maximize vehicle and pedestrian safety. Access which forces relatively large volumes of traffic through lower density neighborhoods via minor streets shall be avoided. Generally no direct access from individual residential lots, units, or buildings in the PUD is allowed to collector or arterial streets. Direct access to arterial or collector streets from residential lots may be allowed in appropriate in-fill development and PUDs consisting of small land area that could not provide interior street circulation. Double frontage lots or buildings are not generally allowed except where necessary to limit vehicular access to

arterial roads; or to provide separation of development from through traffic; or to overcome specific disadvantages of topography or other natural features of the site. Double frontage lots shall have an appropriate landscaped buffer between the unit and the arterial street.

(9) Circulation. The circulation system shall be designed to provide access to areas of the site that need to be accessible to vehicles (parking areas, garages, etc.). "Automobile free" areas and pedestrian only access areas are encouraged.

(10) Emergency access. Adequate access, approved by the Cody fire department and Cody fire marshall, to all structures by emergency vehicles shall be provided.

(11) Streetscapes. All planned unit developments with frontage on a public street or approved private street shall provide safe, inviting, and attractive streetscapes. Where appropriate, streetscapes shall not be dominated by parked vehicles and garage entrances. Trash enclosures and dumpsters shall be landscaped and hidden from direct view.

(12) Pedestrian system. Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, project facilities and amenities, and principal off-site pedestrian destinations. Provision shall be made for pedestrian and bicycle travel in accordance with the Cody pathways master plan. Linkages to schools, parks, public lands, and pathways existing on adjacent properties shall be provided.

(i) PUD application and review procedures.

Approval of a PUD shall consist of three procedural steps:

(1) Concept plan review and obtaining a PUD designation. This is an opportunity for applicants to discuss requirements, standards, and policies that apply to the proposed development and to identify major problems so that they can be resolved before a formal application is made. An initial discussion shall take place with the applicant, the public works director, and other appropriate city department representatives regarding the applicant’s conceptual proposal and any requirements, standards, or policies that may apply. The general concept of the proposed PUD, presented as graphic sketch plans, shall be submitted by the applicant for review. The public works director shall furnish the applicant with written comments

regarding the conference. Applicants are required to present conceptual plans to the planning, zoning, and adjustment board. The planning, zoning, and adjustment board must designate the proposed subdivision as a PUD before being reviewed under this section.

(2) Submittal. A description of the proposed PUD must be submitted and shall contain:

(i) A written explanation of the objectives to be achieved by the PUD;

(ii) A written statement of the scope of the proposed development to include:

(A) Architectural theme;

(B) Uses of single-family and multi-family dwellings, townhouses, condominiums, commercial structures, and other proposed uses;

(C) Approximate size and number of lots;

(D) Availability of adequate or provision of adequate utilities, including raw water;

(E) Availability of adequate or provision of adequate new streets; and

(F) Statement of compatibility of proposed PUD with adjacent land uses.

(iii) A graphic sketch plan describing the land uses to be permitted within each area;

(iv) A common area landscaping concept graphically illustrating the location and character of, common area, recreational amenities, pathways, and other proposed site improvements; and

(v) A proposed phasing plan.

(3) Preliminary plan approval.

(i) Application. Upon completion of the concept plan review, an application for preliminary plan review approval may be filed with the public works department. Submittal of sufficient information to permit review of the land use relationships, densities, the type, size, and location of the principal design elements of the PUD by the planning, zoning, and adjustment board. A PUD

that will be developed in phases must submit either a preliminary plan for all phases or else submit a plan for the initial phase or phases and submit development guidelines for all subsequent phases.

For unique circumstances or for proposals containing only one principal use, the public works director may permit the application for a final plan to be concurrent with the preliminary plan application.

(ii) All information required shall be submitted to the public works department. All submissions shall include:

(A) All applicable data required by the subdivision regulations of the City of Cody;

(B) All applicable information required by Appendix 1 (site plans), Appendix 2 (traffic impact analysis), Appendix 3 (landscape and common area plan), Appendix 4 (master utility plan), Appendix 5 (drainage study and site detention plan), Appendix 6 (common area maintenance plan), and Appendix 7 (PUD design objectives review forms);

(C) A list of abutting landowners of record and their addresses from the county assessor's office;

(D) A description of uses and activities proposed within each area, including the following:

(1) The type, sizes, and mixture of dwelling units;

(2) The acreage or square footage of each use, including parking, roadways, easements, rights-of-way, and recreational areas;

(3) The number of off-street parking spaces;

(4) Any other applicable restrictions such as building setbacks, structural height limits, access, grades, or widths of roads;

(5) The overall density for the entire PUD, as well as the ratio of common area in areas to be developed, stated on a percentage basis, including the number of square feet;

(6) A written statement by a registered professional engineer, which shall describe the following:

(a) The proposed method and arrangement for connection to the municipal water system, and the projected usage and needs;

(b) The proposed method and arrangement for connecting to the municipal sewer system, and the projected usage and needs;

(c) The soil, geological, and ground water conditions of the site and the manner in which storm drainage will be handled; and

(d) The manner in which raw water or irrigation water will be provided.

(E) If the PUD is to be developed in phases, a description of each phase and an estimated date of completion for each phase. Any substantial change or alteration in the design of the PUD or completion schedule will require the owner to submit an amended plan in compliance with the most current rules and regulations adopted by the City of Cody; and

(F) The applicant shall provide an estimate of water consumption and amount of sanitary sewer discharge based on the proposed land use plan.

(4) Review. The city engineering division will provide recommendations to the city planning, zoning, and adjustment board and to the Cody city council as to the compatibility and suitability of a project based upon the evidence submitted by the applicant. The design objectives review forms (Appendix 7) will be used in evaluating all PUD applications. The following shall be considered:

(i) Interrelationship of the proposed PUD to conditions on and off the property;

(ii) Conformance to the Cody master plan;

(iii) Traffic and parking impacts;

(iv) Land use;

(v) Pedestrian and vehicular ingress and egress;

(vi) Architectural design and neighborhood compatibility;

(vii) Landscaping and neighborhood compatibility;

(viii) Utilities;

(ix) Site drainage;

(x) Common area;

(xi) Grading;

(xii) Conformance to the PUD regulations; and

(xiii) Other related matters.

(5) Roads.

(i) PUDs may contain private drives built to private standards, for access to the buildings on site. In this instance all roadways must be dedicated easements for access of owners, visitors, law enforcement, and fire and emergency vehicles;

(ii) All PUDs with private roadways shall set up a homeowner's association and assessment schedule for maintenance fees, to be reviewed by the public works department and recorded with the final plat;

(iii) PUDs with lots sold to individuals shall be encouraged to dedicate and must construct public roads that meet city standards. The city will accept dedication of the roads and maintain these in accordance with city policy for all public roadways. Roads are not considered part of required common area.

(6) Hearing.

The planning, zoning, and adjustment board shall hold a public hearing on the preliminary plan at a regularly scheduled meeting with recommendations passed on to the Cody city council. The planning, zoning, and adjustment board shall recommend approval, conditional approval, or denial.

(j) Final plan review and approval.

(1) Application. Upon approval or conditional approval of a preliminary plan by the planning, zoning, and adjustment board, an application for a final plan approval may be submitted. A final application must be submitted within one year of preliminary approval.

(2) Review. The final plan must be in compliance with the approved preliminary plan and shall be reviewed and approved by the planning, zoning, and adjustment board and Cody city council following existing procedures as established in the Cody subdivision regulations. The following shall be considered:

(i) The final plan does not change the general use or character of the approved preliminary plan;

(ii) The final plan does not increase the number of residential dwelling units by more than ten percent from the preliminary plan;

(iii)The final plan does not decrease the common area provided on the preliminary plan by more than five percent from the preliminary plan or below the minimum common area requirements; and

(iv)The final plan complies with the intent of the Cody master plan.

(3) Approval. The planning, zoning, and adjustment board shall recommend approval, disapproval, or approval with additional conditions. The proposed PUD may be approved only if all of the following findings are made:

(i) That the proposed project substantially achieves the stated purposes (as applicable) of this section, and that it is an appropriate and legitimate application of the PUD process; and

(ii) That the proposed project is in substantial compliance with all applicable standards and criteria of this section; and

(iii)That the proposed project substantially meets the character objectives of preservation or enhancement of the zoning district and neighborhood in which it is to be located. Projects which are found to be out of scale and character with their surroundings will not be approved; and

(iv)That streets and intersections serving the project must be adequate to the size and scale of the

project. That the safety of motorists, pedestrians, and cyclists will not be jeopardized; and

(v) That the density and distribution of population resulting from the project will not overburden schools, parks, utilities, or other public services; and

(vi)That all adverse impacts associated with the proposed project are effectively mitigated to the extent possible.

(4) Phasing. Phasing of development and associated public and private improvements is permitted subject to an approved phasing schedule. If a PUD is intended to be developed over time in two or more separate phases, application for approval of a phased planned unit development shall follow procedures established for concept plan review as outlined in this chapter. After concept plan review is completed, phased PUDs may be proposed in accordance with one of two procedures:

(i) Application for simultaneous approval of all phases of the PUD. Where all phases of a PUD are planned in detail, an application for approval of all phases may be made. In such cases, preliminary plans and all required supplemental information shall clearly set forth phased development boundaries, schedules, and other details pertaining to the phasing of the project.

Upon approval of the preliminary plan for all phases of the PUD, each phase of the development may occur in accordance with the review and approval procedures for final plans as specified in this chapter.

(ii) Application for approval of an initial phase of the PUD with subsequent phases master planned. Where the applicant wishes to gain preliminary and final approval for the initial phase(s) of a PUD, and further wishes to gain master plan approval for subsequent phases of the PUD, preliminary and final plan review and approval procedures for the initial phase(s) shall be followed in accordance with this Chapter. A master plan for the remaining phases of the development shall be provided for review and approval.

(5) Minor adjustments. Minor adjustments to an approved PUD plan may be made and approved administratively, in writing by the public works department at the time a building permit is issued by the building department. Minor adjustments are those changes which may affect the precise dimension of buildings and the siting of

buildings, but which do not affect the basic character, use or arrangement of buildings, or the basic design, density or common area requirements of the development.

(6) Major adjustments. Major adjustments are those that substantially alter the character, use or arrangement of buildings, or the basic design, density or common area of the development. When, in the opinion of the public works director, any proposed change or adjustment constitutes a major adjustment, no building permit shall be issued without a review of an amended PUD by the planning, zoning, and adjustment board and approval by the Cody city council. Major adjustments from the final plan shall be defined as follows:

(i) A change in the character of the development;

(ii) An increase of greater than one percent in the approved number of dwelling units;

(iii) An increase of greater than two percent in the improved gross leasable floor areas of retail, service, office, and/or industrial buildings;

(iv) A reduction by greater than two percent in the approved common area, but not to be below the minimum Common area requirements;

(v) A change in the location and placement buildings;

(vi) An increase in the problems relating to traffic circulation and public utilities;

(vii) Any change in the development that would normally cause the project to be disqualified under the City of Cody subdivision review and approval process;

(7) Duration of PUD approval. Within a maximum of two years following approval of a PUD, development must commence or the proposed development must be reviewed for renewal.

(8) Appendix. The PUD appendix contains the following required information sections:

(i) Site plans;

(ii) Traffic impact analysis;

(iii) Landscape and common area plan;

(iv) Master utility plan;

(v) Drainage study and site detention plan;

(vi) Common area maintenance plan;

(vii) PUD design objectives review forms;

(A) All development;

(B) Residential;

(C) Commercial;

(D) Industrial.

(Ord. No. 2001-16.)

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Chapter 31

TAXICABS

§ 31-1. License--Required.
§ 31-2. Same--Application; council policy in consideration of issuance.
§ 31-3. Same--Fees; duration.
§ 31-4. Same--Insurance coverage.
§ 31-5. Same--Transferability.
§ 31-6. Same--Revocation.
§ 31-7. Rates.
§ 31-8. Taxicab stands.

Sec. 31-1. License--Required.

No individual, partnership, corporation or other entity shall operate or cause to be operated any taxicab, which is defined as any motorized vehicle or animal-drawn carriage, for the purpose of carrying passengers for hire within the city without first having obtained a license therefor from the city as hereinafter provided. (1960 Comp. Ords., § 19-901; Ord. No. 95-2, § 1; Ord. No. 97-16, § 1.)

Sec. 31-2. Same--Application; council policy in consideration of issuance.

The application for such license shall be made to the city clerk and shall be issued by the city clerk with the approval of the city council.

It is declared to be the policy of the city council that there shall be issued only such licenses to taxicab operators as the public convenience and necessity require, and further, to issue such licenses only to those persons who are responsible and trustworthy in every way and agree to render adequate service to meet the needs of the public for taxicab service within the city. In acting upon all applications for such licenses, the city council shall take into consideration, in addition to the question of public convenience and necessity, the question of the applicant's qualifications for rendering adequate service to the public, his character, integrity and financial responsibilities. When applications for additional taxicab operator's licenses are received by the city clerk, the clerk shall serve notice upon any other licensed operators of the time set for hearing upon the application, which time shall be the next regular meeting of the council, provided that if any such application is received within less than five days

before the next regular meeting of the council, the matter may be set for hearing at the following regular, adjourned or special meeting of the council. The decision of the council upon any application shall be final. (1960 Comp. Ords., §§ 19-902, 19-903; Ord. No. 97-16, § 2.)

Sec. 31-3. Same--Fees; duration.

The fee for a license to operate taxicabs as provided in this chapter shall be twenty-five dollars for each taxicab that is to be operated. All such licenses issued shall be on a calendar year basis from January 1 to December 31. The applicant shall specify to the city the taxicab to be operated and the city may permit a license to be transferred from one taxicab to another upon application and submittal of the necessary information. (1960 Comp. Ords., § 19-902; Ord. No. 95-2, § 2.)

Sec. 31-4. Same--Insurance coverage.

No license to operate a taxicab within the city shall be granted to any applicant therefor unless the applicant shall have a public liability insurance policy with a combined single-limit coverage of not less than five hundred thousand dollars for public liability, property damage and bodily injury coverage; or a public liability policy with split-limit coverage providing minimums of one hundred thousand dollars property damage and two hundred fifty thousand dollars each person and five hundred thousand dollars each accident. The applicant shall submit proper evidence to the city clerk of proof of insurance before a license is issued and at the time of issuance of a license the applicant shall deposit with the city clerk a copy of the insurance policy. All renewal policies and premium receipts shall be deposited with the city clerk by the licensee.

Failure of any licensee to comply with the provisions of this section requiring insurance or to maintain insurance in effect shall forfeit any license issued. (1960 Comp. Ords., § 19-906; Ord. No. 415; Ord. No. 95-2, § 4; Ord. No. 95-8, § 1; Ord. No. 97-16, § 3(part).)

Sec. 31-5. Same--Transferability.

No license granted hereunder shall be transferable to another operator except with the express approval of the city council, and no such license granted hereunder shall be transferred until the transferee to whom the license is sought to be transferred shall have met all of the qualifications and conditions required for a licensee under this chapter. (1960 Comp. Ords., § 19-907; Ord. 95-2, § 5.)

Sec. 31-6. Same--Revocation.

The city council hereby reserves the right to revoke any and all licenses granted for failure to comply with the terms of this chapter, and chapter 17, and in the event such taxicab is operated in an unlawful manner or for unlawful purposes or for any and other good causes shown. (1960 Comp. Ords., § 19-908; Ord. No. 95-2, § 5(part).)

Sec. 31-7. Rates.

The rates and prices charged for transportation of persons or property by taxicab within the city shall be such as approved by the city council. A printed or typewritten copy of the approved rates and charges shall be plainly posted in each taxicab and in the office of the licensed operator. (1960 Comp. Ords., § 19-905; Ord. No. 95-2, § 5(part); Ord. No. 97-16, § 3(part).)

Sec. 31-8. Taxicab stands.

All taxicabs operated by any licensed operator may be parked, when unemployed, at such location as designated by the chief of police as provided in section 17-14. Such location shall be properly marked as reserved taxicab space and not for use by the public. (1960 Comp. Ords., § 19-904: Ord. No. 94-11, § 1; Ord. No. 95-2, § 5(part).)

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Chapter 32

VENDING MACHINES*

§ 32-1. License--Required; certain machines prohibited.
§ 32-2. Same--Application; expiration date.
§ 32-3. Same--Stamp or certificate.
§ 32-4. Same--Fees.
§ 32-5. Location.
§ 32-6. Persons liable for violations.
§ 32-7. Penalties; confiscation.

* For regulations as to plumbing generally, see ch, 23 of this Code.

Sec. 32-1. License--Required; certain machines prohibited.*

It shall be unlawful for any person to maintain or operate within the city any machine for the vending of merchandise, or any musical instrument or machine, which is operated for profit or on a rental or share basis, without first procuring from the city a license therefor; provided, however, that it shall be unlawful to maintain or operate within the city any vending machine or musical instrument or machine, the operation of, with coins or tokens involves any degree of uncertainty as to the value or amount of the merchandise to be received, or of the music to be rendered thereby. (1960 Comp. Ords., § 19-1000.)

* As to licensing regulations generally, see ch. 15 of this Code.

Sec. 32-2. Same--Application; expiration date.

In making application to the city clerk for such license, each applicant shall give his name and address, the number of machines to be licensed and their description. Such description shall include the following information: Make, whether single, twin or triple machines, kinds of merchandise to be dispensed, value of coins necessary for operation, the name and address of the owner, and the location where such machines shall be installed, All licenses shall expire on December 31st of the year for which issued. (1960 Comp. Ords., § 19-1002, 19-1004.)

Sec. 32-3. Same--Stamp or certificate.

Upon payment of the amount fixed by section 32-4, the city clerk shall issue to the applicant a stamp or certificate which shall be firmly affixed to each machine for which such license is issued. Such stamp or certificate shall measure approximately one and one-half by one and one-half inch, and shall have printed thereon:

"City of Cody,
_____ (the year)
Vending Machine No. _____
License No. _____"

(1960 Comp. Ords., § 19-1004.)

Sec. 32-4. Same--Fees.

All licenses to permit the operation of such machines for a period of one year or for any portion thereof, shall be issued in accordance with the provisions of this chapter upon payment of fees as follows:

Amusement:	Vending Machines, nonmerchandise, non-gambling	$15.00
Merchandise:	Single merchandise vending machines	5.00
	On double or triple merchandise vending machines the license fees shall be in amounts, respectively two or three times the above single machine fee.	
Soft drinks:	Each soft drink vending machine, cooler or dispenser	5.00
Music:	Each musical instrument or music machine	10.00

(1960 Comp. Ords., § 19-1005,)

Sec. 32-5. Location.

No machine regulated by this chapter shall be installed, maintained or operated in any place or location except such location approved by the chief of police, nor shall any such machine be permitted to project over or upon any sidewalk or public thoroughfare. (1960 Comp. Ords., § 19-1006.)

Sec. 32-6. Persons liable for violations.

For any such machine found in violation of any of the provisions of this chapter, if the same be owned and maintained or operated by separate individuals, each such owner, agent, or operator shall be held separately liable and subject to the provisions of section 32-7. (1960 Comp. Ords., § 19-1007.)

Sec. 32-7. Penalties; confiscation.

Any person operating any machine in violation of any of the provisions of this chapter or who suffers or allows the same to be violated, shall upon conviction therefor be punished as provided in section 1-11, Upon nonpayment of the license fee, any such machines in violation of any provision of this chapter, together with the contents thereof, may be confiscated by the police department and held as security until the penalty herein is paid. Upon failure of any owner to pay such penalty within thirty days after such seizure, such machine and contents shall become the property of the city and such machines shall be sold in the manner and form as now provided by law for sales on execution in justice court. (1960 Comp. Ords., § 19-1008)

Chapter 33

WATER*

Article I General

33-1. Ownership and control of waterworks; purpose, extension of water mains and perimeter water mains.
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33-3. Definition of consumer.
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33-5. Tap fees and hookup fees.
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Article I General

Sec. 33-1. Ownership and control of waterworks; purpose, extension of water mains and perimeter water mains.

(a) The system of waterworks of the City, located within and without the corporate limits of the City, as owned by the City shall be maintained, controlled and managed exclusively by the Governing Body for municipal ownership, the object being to supply the City with water for the extinguishment of fires, and for supplying the inhabitants thereof with water for domestic, manufacturing, irrigation and other purposes.

(b) All new perimeter water mains as well as the extensions of any existing perimeter water mains shall be done in accordance with and pursuant to the policy adopted by the Governing Body which is in effect at that time.

(c) Definition of a "perimeter water main" is a waterline over eight inches (8”) in diameter that is installed for the primary purpose of transporting water to a new area that is or can be developed into lots for residential or commercial purposes, but shall not include the water lines, regardless of size, that are placed within these developing areas.

(d) The initial installation of all water mains not designated as perimeter water mains by the City, shall be paid for by the adjacent property owners. The maintenance of all water mains and lines, other than individual service lines, shall be borne by the City after initial installation has been made.

Sec. 33-2. Duties of Administrative Services.

The Administrative Services Department shall account for:

(a) Water bond, interest and sinking fund. This fund shall be charged with all money derived from the annual "water bond" tax and such amounts that may be transferred to this fund from the "water fund," and it shall be credited with all authorized payments of interest and principal of outstanding water bonds, and this fund or any part thereof shall in no case be used for any other purpose whatsoever as long as there are any outstanding water bonds or interest thereon to be paid.

(b) Water fund. This fund shall be charged with all money derived from the sale of water bonds, from water rents, or water revenues, from special taxation, if any, sale of surplus water department materials and for money that may be transferred from the general fund or any other fund of the City. This fund shall be credited for all authorized expenditures for the waterworks of the City.

Sec. 33-3. Definition of consumer.

The term "consumer," as used in this chapter shall be held to mean the property owner or his agent; the person(s) responsible for the payment of all charges and in whose names such bills are rendered.

Sec. 33-4. Permit required for use.

Except as otherwise provided by this chapter or other ordinance, no person shall knowingly, either directly or indirectly, take water from the City water system without first making application therefore to the Administrative Services Department and paying any necessary tap fees and/or hookup fees as hereinafter provided for. Any application for water service outside the established City limits shall be accompanied by such plans, design and engineering data prepared by an engineer or firm acceptable to the City, that the City may require. The Governing Body shall be under no obligation whatsoever to approve an application by an owner of property outside the established City limits and may in its sole and absolute discretion deny such an application for any reason or no reason.

Sec. 33-5. Tap fees and hookup fees.

(a) If to provide water service it is necessary to tap the water main, the Public Works Director or his/her designee shall, upon proper proof of application and proper payment to Administrative Services, issue an order for such tap. This tap shall be by three-fourths-inch (3/4”) or one-inch copper pipe to the curbstone or to the property line. When a larger pipe

than three-fourths-inch (3/4") or one-inch (1") inside measurement is demanded, or a further distance than sixty-two feet (62') from the water main is required, or double tapping of the main, the cost shall be increased by the Public Works Director to such amount as is required to defray the actual costs of materials and installation. The cost for a three-fourths-inch (3/4") tap will be six hundred dollars, ($600.00) plus the current rate for patching any existing pavement; and for a one-inch (1") tap seven hundred dollars ($700.00) plus the current rate for patching any existing pavement.

(b) Before the water service shall be hooked to a meter and any water taken, the following hookup charges shall be paid:

(1) Single-family dwelling unit: Four hundred dollars ($400.00).

(2) Multiple-family dwelling units, including apartment houses and motels: Three hundred dollars ($300.00) each for the first two units; two hundred dollars ($200.00) for each unit over two and up to and including ten; one hundred dollars ($100.00) for each unit over ten.

(3) All others: Four hundred dollars ($400.00).

(c) Provided, that the tap fees and hookup charges for users outside of the City limits shall be one and one-half times the rates set forth in subsections (a) and (b) of this section.

The owner of any land outside the City limits filing application to use or extend a water tap purchased prior to July, 1977, shall consent to his property being included in any future annexation involving the same.

Sec. 33-6. Duties of City relating to tapping.

The water department shall tap water mains and insert corporation cocks in accordance with the requirements governing same, upon receipt of evidence that applicant has complied with all the tap permit requirements provided for in Sec. 33-5.

Sec. 33-7. Inspection of work.

The Public Works Director or his/her designee shall be required to inspect all work done in making service pipe connections with the water mains, in the laying of same, putting in stop boxes and all other work connected therewith.

Sec. 33-8. Specifications for service pipes.

All service pipes, including pipes as may be installed from main to curb, must be copper and no service pipes as herein defined except copper shall be installed in the City unless an approved alternative is specifically approved by the Public Works Director or his/her designee. All service pipes must be laid at least five feet (5') under the ground and in all cases be deep enough to prevent freezing.

Sec. 33-9. Consumer shall maintain and protect.

All consumers shall keep and maintain their service pipes (from the curb stop or meter pit to the house), stopcocks and all appurtenances connected with the treated water supply system in good order and protected from damage and frost at their own expense, and shall prevent any unnecessary waste of water. No claim shall be made against the City by reason of the breaking of such pipes or appurtenances.

Sec. 33-10. Supplying water to others.

No consumer shall supply water to other consumers nor suffer them to take or in any manner use the same off his premises.

Sec. 33-11. Alterations or additions to conduits, etc.

No person shall make, or cause to be made, any alterations or additions whatsoever, in or about any conduit or water cock, whether on private property or not, without permission from the Public Works Director or his/her designee.

Sec. 33-12. Stopcock Specifications.

Stopcocks shall be inserted in the service pipe in every case and protected by a box with a cast iron covering having the word "Water" or the letter "W" marked thereon. Such stopcocks shall be placed inside of the curb and the same must be visible and flush with the pavement, sidewalk or ground level.

When more than one building is supplied by a single tap by means of branch service pipes, each branch pipe must have a stopcock with a box and cover complete, to be located as hereinbefore provided. Each building must be served by a separate service and tap.

Sec. 33-13. Failure to pay charges where two or more consumers are on one service pipe.

In case two or more consumers are supplied with water from the same service pipe, if either consumer fails to pay the water charges when due, the water shall be turned off from the service pipe until charges are paid in full.

Sec. 33-14. Emergency supply required of steam boiler owners.

Owners of steam boilers taking water from the City water system are required to have tanks that will contain an ample supply of water for ten hours in case the water is shut off for any purpose. The City will not be responsible for any accidents or damage sustained by reason of failure to comply herewith.

Sec. 33-15. Use of water forbidden during emergency.

It shall be unlawful for any person notified of an alarm or fire, to use water for landscape fountain, irrigation or sprinkling purposes while the fire pressure is on the pipes,.

Sec. 33-16. Wasting water; leaks to be repaired.

No person shall waste water from the City water system. No leaks in service pipes, connecting pipes or any water fixture shall be permitted; and, if not repaired within five (5) days or as otherwise directed by the Public Works Director so as to stop such waste of water. After notice from the Public Works Director, water shall be shut off and not turned on again until the leak is so repaired.

Sec. 33-17. Right to suspend certain water uses.

The right is reserved to suspend the use of landscape fountains and hoses for sprinkling yards, streets and gardens whenever in the opinion of the Governing Body the public need requires it.

Sec. 33-18. Notice when water is shut off.

Notice to property owners or tenants by the City or by any officers or employees thereof, when water is to be turned off for any official reason, shall not be required; however, the City will, at its discretion, attempt to notify property owners or tenants when water is to be shut off from any premises.

Sec. 33-19 Right of access to premises.

The Public Works Director or his/her designee, Chief of Police, Police Officers, and all other employees and inspectors of the City shall have free access at all reasonable hours to enter any premises where water is used, for the purpose of ascertaining any violations of any of the provisions of this article, and to install, read or inspect meters.

Sec. 33-20. Drinking fountains.

No drinking fountain shall be erected for public use which has openings by which it can be used as a source of domestic supply.

Sec. 33-21. New work.

The water piping system of each new building and of new work installed in an existing building shall be separate and independent of that of any other building. All piping or plumbing installed by the owner shall comply with the requirements of this chapter and the Chapter on Trees, Plants and Shrubs.

Sec. 33-22. Irrigation and sprinkling.

Water for irrigation and sprinkling shall be used only during the period of May 1 – the first (1st) Monday in October. No person shall use water from the water system of the City for lawns, irrigation, sprinkling or by means of a hose in any manner whatsoever when notified not to do so by the Public Works Director or his/her designee or other

representatives of the City. When necessary, the Governing Body shall have the authority to regulate water used for irrigation and sprinkling from the City water system.

Sec. 33-23. Sprinkling sidewalks.

It shall be unlawful for any person to place a lawn sprinkler, hose or other sprinkler or irrigating device on his premises at such a place or in such a manner that the same excessively sprinkles or throws water upon, over or across any sidewalk.

Sec. 33-24. Water on streets, sidewalks and other public places.

No person shall cause a pool of water, or cause any standing water to be upon any street, sidewalk, alley or public ground, so as to cause the same to be wet and muddy, slippery or in any way dangerous or obnoxious. Nor shall any person permit water to flood, run or trickle from any premises, buildings or grounds, owned or occupied by him, so as to cause any sidewalk, alley, street or other public ground or any part thereof to become wet, muddy, slippery or otherwise inconvenient, dangerous or obnoxious.

Sec. 33-25. Key to curb stop or valve.

No person, except a licensed plumber, employees of other water systems, City Officer or any employee acting under the instructions of a City Officer, shall be allowed to use, own or possess a key to a curb stop or to any other stop or valve controlling water mains or service pipes, the control of which is assumed by the City. No key of the kind herein described shall be loaned to any person for any purpose nor shall such key be allowed to be or remain in the possession of any individual other than as herein provided.

Sec. 33-26. Turning water on after turned off.

When the water has been turned off from any consumer he/she shall not turn it on or permit it to be turned on without the consent of the City of Cody.

Sec. 33-27. Turning water off for extension and repairs.

The City of Cody reserves the right, through the Public Works Director, to cause the water to be shut off from the mains, or parts thereof, when deemed necessary for making extensions, repairs of and connections to the mains or service pipes.

Sec. 33-28. Cross connections.

As a sanitary measure no cross connections will be permitted which could in any manner contaminate the water in the City water system. The water may be turned off by the City until such cross connections are removed.

Sec. 33-29. Interference with or damage to water system.

No person shall damage or interfere with the water supply of the City, or with the pipes, ditches or channels through which it is conveyed, or any valve or head gate used in connection with the ditches, or any pipe, hydrant or other appliance used in connection with the water system of the City or any reservoir, dam, well, pump, motor, power or transmission line, telephone line or any other part or property of the water system, whether owned by the City or privately owned and connected in any way with the City water system.

Sec. 33-30. Taking water or diverting water without permission.

No person shall, without approval of the Public Works Director, take water from the City water system, or open any stopcock valve or other fixture connected with the water supply system.

Sec. 33-31. Tampering, etc., with fire hydrants.

No person shall open, close or in any way tamper with any fire hydrant belonging to the City except for the purpose of extinguishing fires or under the direction of the Governing Body, Fire Chief or the Public Works Director.

Sec. 33-32. Discharging firearms, and use of water craft.

(a) No person shall discharge firearms on or near the City water storage tanks.

(b) No person shall operate or use a gas powered water craft on Beck Lake, Alkali Lake, Markham and New Cody Reservoirs, provided, however, this restriction shall not apply to the City, its employees and agents when use of such water craft is necessary for inspection and maintenance.

Sec. 33-33. Interpretation of chapter.

All questions arising in the interpretation of this chapter shall be decided by the Public Works Director with the approval of the City Administrator and the Governing Body.

Sec. 33-34. Penalty.

Any person who shall violate any of the provisions of this chapter shall be punished as provided in Chapter 1, Section 1-11, and in addition, the water may be shut off on any premises upon which a violation of this chapter is found to exist and shall not be turned on until compliance with this chapter is made.

Article II Domestic Service

Sec. 33-35. Water meters--Required;

All water delivered to any water user by means of the water system of the City shall be measured by a water meter. Not more than one residence, apartment house, business building or other establishment shall be connected to one meter. All water meters are, and shall continue to be the property of the City, under the jurisdiction of the Water Department. Existing facilities that have more then one establishment connected to one meter shall be considered grandfathered until plumbing work is required or backflow requirements are directed to be installed by the City, at which time the facilities must be separately metered.

Sec. 33-36. Same--Installation; responsibility of plumber and consumer.

All meters shall be installed at an indoor, frost-proof location except as outlined below. The meters shall be installed by a bonded plumber in a location accessible for reading and the installation shall be subject to the approval of the Public Works Director and or his/her designee.

Where the Public Works Director and or his/her designee determines that it is not practical to make an indoor installation as outlined above, he/she may allow an outdoor installation providing it is made in accordance with City policy adopted at time of installation. Outdoor installations shall be made by a bonded plumber and maintained by the consumer.

When necessary to make any changes in existing plumbing in order that all water used shall pass through the meter, it shall be completed by a bonded plumber and paid for by the consumer.

The installation of all meters shall be made as provided in this chapter at the consumer's expense under the direction and approval of the Public Works Director. Meters shall be issued only to bonded plumbers for installation in a specified location and such installation shall be made within thirty (30) days after the issuance of the meter. Plumbers shall be responsible for the meter until it is installed and has been inspected and accepted by a representative of the City of Cody.

Sec. 33-37. Same--Plumber's bond required.

No person shall perform any work on the installation of plumbing from the City shutoff or curbcock to the meter, nor on the installation of the meter without first having filed and executed a bond to the City as required to indemnify the City or the consumer against all loss or damage by reason of improper, imperfect or unskilled work or materials in the installation, or by reason of injury to any existing improvements in connection with the work.

Sec. 33-38. Same--Maintenance and damage.

Normal maintenance of meters shall be performed by the water department. The consumer shall be required to protect any meter through which he receives water from frost or other injury. The cost of repairs to any meter, occasioned by lack of ordinary care, shall be borne by the consumer or property owner.

Sec. 33-39. Same—Inspections – Service Charges

The following charges apply to all levels of service in addition to any other charges:

Connection or Disconnection Charges:

Water Disconnect (Curbing) Fee	$15.00
Water Re-connect Fee	$25.00
Normal Office Hours	$25.00
Other Than Normal Office Hours	$40.00

Meter Testing:

Testing of meters more than once at customer's request in a twelve-month period (12), where meter is found to be accurate within two percent (2%)	$50.00

Sec. 33-40. Same--Tampering with or denying access to; estimated water charge.

No person shall in any way tamper with any water meter installed in the City or refuse any officer, as above referred to, access to any such meter. All meters must be accessible to meter readers during reasonable hours.

If, in the opinion of the Public Works Director or the City of Cody, any meter has been tampered with, or if access to any meter shall be denied meter readers, or if meter reading could not be obtained due to absence of occupants or for other reasons, the quantity of water delivered during the month such meter failed to register correctly by reason of such tampering, or for which no reading was obtained, shall be estimated by the City, and paid for as heretofore provided. Upon repetition of either of the offenses herein mentioned, the City may, at its option, stop the delivery of water to the premises of the person offending.

Sec. 33-41. Same--Method of computation of readings.

The amount obtained by deducting from the most recent official meter reading, the official meter reading immediately preceding, shall be deemed to be the quantity of water delivered through such meter during such period, which, under ordinary conditions, shall be approximately one month. The amount charged against such meter shall be based upon the number of thousand gallons delivered as shown by such reading.

Sec. 33-42. Schedule of rates and charges.

The rates for metered water sold within the City limits shall be as follows:

The minimum monthly charge for each meter shall be as follows:

SMP Charge	Base Charge	Size
$ 8.00	$ 12.00	3/4" meter
$ 16.00	$ 24.00	1" meter
$ 32.00	$ 48.00	1 1/2" meter
$ 56.00	$ 84.00	2" meter
$ 128.00	$ 192.00	3" meter
$ 224.00	$ 336.00	4" meter
$ 512.00	$ 768.00	6" meter

SMP Charge + Base Charge + two dollars and fourteen cents ($2.14) per thousand gallons per month.

(a) The rate of metered water sold outside the corporate limits shall be the same as listed above unless determined otherwise by the Governing Body and shall at no time exceed one and a half (1 ½) times the rates listed above.

(b) The rate and regulations for unmetered water taken from a fire hydrant, the City water crane or any unmetered source shall be as follows:

(1) For water taken from the City water crane, a minimum of seven dollars and twenty-two cents ($7.22) for the first one thousand (1000) gallons or less plus seven dollars and twenty-two cents ($7.22) per one thousand (1000) gallons for each additional one thousand (1000) gallons or any fraction thereof per trip or load.

(2) Any person desiring to take domestic City water from any other unmetered source, excepting City personnel for authorized City purposes and fire department personnel for authorized fire department purposes, shall first obtain a written permit from the City Public Works Director or his/her designee. Such permit shall fully state the name and billing address of the person or party responsible for payment of water taken, meter number for meter used, and the location of the source (hydrant) from where the water is to be taken. The fee for the use of water shall be a minimum of seven dollars and twenty-two cents ($7.22) for the first one thousand (1000) gallons or less plus seven dollars and twenty-two cents ($7.22) per one thousand (1000) for each additional one thousand (1000) gallons or fraction thereof per trip or load.

Payment of bills shall be as outlined in the Electric City Ordinance, Chapter 9.

Sec. 33-43. Same--Responsibility for payment.

The property owner or his/her agent is hereby declared to be responsible for the payment of all water metered on his/her property. All bills for use of water furnished shall be

due and payable within fifteen (15) days of receipt of the bill by the owner or consumer in whose name the bill is rendered.

Article III Raw Water System

Sec. 33-44. Definitions.

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

Raw water. The term raw water shall mean water for irrigation purposes only. Such water shall not be processed through the central water distribution and sanitation facilities of the City and is not suitable for human consumption.

Raw water system. The raw water system shall be defined as a system of pipelines with taps of a size selected by property owners, subject to the size regulation as hereinafter set out, conveying untreated water to property owners contiguous to such pipelines, desiring to attach thereto.

Sec. 33-45. Application of article.

The following rules, regulations and rates shall be a part of the contract of every owner of property furnished raw water directly by the City. All persons receiving, accepting and paying for such raw water from the City, or who hereafter make application therefore, shall be considered as having agreed to be bound by the rules, regulations and rates as contained in this article.

Sec. 33-46. Management of system.

The Public Works Director and/or Water/Wastewater Supervisor shall have the general management, control and supervision of the raw water system, subject to the direction and supervision of the City Administrator.

Sec. 33-47. Application for permission to take water; extension of system.

Except as otherwise provided by ordinance, no person shall knowingly, either directly or indirectly, take water from the raw water system without having first made application therefore to the Administrative Services Director. Applications for service from the raw water system may be made only by those whose property is immediately adjacent to an installed main and if they are current in all billings due the City.

No pumps shall be allowed on any raw water tap.

Sec. 33-48. Use of raw water.

At such times as the needs of the City require, extensions of the raw system may be made. Owners adjacent to such extensions may then make application for such services. Prior

to hooking up said extensions, applicants will be required to pay for line assessment costs suitable to cover the applicants' proportionate share of extension. Raw water users are authorized to use raw water on alternating days. The use of raw water shall be based upon the days of the week and the street address of the user. Even numbered (addressed) property shall be authorized to use water on Sunday, Wednesday and Friday of each week. Odd numbered (addressed) property shall be authorized to use water on Tuesday, Thursday and Saturday of each week. There shall be no use of water on Monday. The provisions of this section shall not apply to the City and Park County School District No. 6 with regard to recreation fields, parks and school grounds. Users may make application to the City for a special waiver for areas that have been newly seeded, sodded or have special watering needs. Those individuals watering on unauthorized days will be subject to the following penalties:

(a) First offense. Verbal warning accompanied by watering/use pamphlet and explanation by enforcement personnel.

(b) Second offense. Twenty-five dollar ($25.00) fine.

(c) Third offense. Fifty dollar ($50.00) fine and raw water turned off and sealed for the balance of the irrigation season with no refund of the yearly fee.

Sec. 33-49. Connection charges; tap sizes.

The Public Works Director or Water/Wastewater Supervisor shall, upon application and payment of all applicable connection charges, issue an order to tap the raw water system and lay the lateral system to conduct the raw water to the property line of the consumer. Connection charges shall be dependent upon the size of tap and shall be set at the following amounts:

Connection Charges

Line Size	Tap Fee	System Investment fee
¾" line	$ 300.00	$ 200.00
1" line	$ 300.00	$ 400.00
1 ½" line	$ 300.00	$ 800.00
2" line	$ 300.00	$ 1,400.00
2 ½" line	$ 300.00	$ 2,200.00
3" line	$ 300.00	$ 3,200.00
4" line	$ 300.00	$ 5,600.00

Sec. 33-50. Duty of water department to tap mains, etc.

The Water Department shall tap water mains, insert necessary valves and lay the lateral system of the raw water line to the property line in accordance with the requirements governing the same, upon receipt of evidence that applicant has complied with all the requirements of this chapter relating to permits.

Sec. 33-51. Supplying to others.

No consumer shall supply raw water to other individuals or property, nor suffer them to take raw water or in any manner permit the use of the same off the premises for which the application for a tap was made.

Sec. 33-52. Alterations or additions to conduits, pipes, etc.

No person shall make or cause to be made any alterations or additions whatsoever, in or about any pipe, conduit or valve of the City's lateral system whether on private property or not, without permission from the Public Works Director or Water/Wastewater Supervisor.

Sec. 33-53. Draining lines.

It shall be the City's responsibility to properly drain the raw water mains at a suitable time during the fall of the year or at the time the Cody Canal is turned off.

Sec. 33-54. Right of access to premises.

The Public Works Director, Water/Wastewater Supervisor, Chief of Police, Police Officers, and all other employees and inspectors of the City shall have free access at all reasonable hours to enter any premises where raw water is being used, for the purpose of ascertaining any violations of any of the provisions of this article.

Sec. 33-55. Permit to install pipes, etc.

No person shall construct, install or alter, or permit to be constructed, installed or altered any raw water piping or plumbing in any building in the City without securing a permit therefore from the Public Works Director or Water/Wastewater Supervisor. No permit shall be required for the repair of leaks, valves, cocks or pipes.

Sec. 33-56. Times of use of water; suspension of use.

While water from the raw water system shall be used only during times of the year as water is being run in the Cody Canal and supplying the City reservoir, when necessary to the public interest, the Governing Body shall have the authority to regulate or suspend the use of water from the raw water system.

Sec. 33-57. Cross-connections.

No person shall connect the raw water system lines to any water lines that are connected to the domestic water supply system. Application must be made to the Public Works Director or Water/Wastewater Supervisor in order to change a sprinkling system from the raw water system to the domestic water supply system and if such change be allowed, the Public Works Director or Water/Wastewater Supervisor may require removal of a section of pipe no less than twelve inches (12") in length from the supply line not being used. The use of valves between two water systems shall be prohibited. If such a cross-connection is found

to exist, the Public Works Director or Water/Wastewater Supervisor shall order the water to be shut off and the offending property owner shall be disconnected from the water system until compliance is had with the terms of this article.

Sec. 33-58. Schedule of rates and charges; time of payment; failure to pay; requirement for meter.

(a) All users tapped to the raw water system, except as provided in (b), (c), (d), (e), and (f) below, shall pay an annual raw water fee based on tap size as follows:

Tap Size	Fee	Payable in Monthly Installments
3/4"	$ 126.00	$ 10.50
1"	$ 189.00	$ 15.75
1 1/4"	$ 315.00	$ 26.25
1 1/2"	$ 504.00	$ 42.00
2"	$ 756.00	$ 63.00
2 1/2"	$ 945.00	$ 78.75
3"	$ 1,134.00	$ 94.50
4"	$ 1,575.00	$ 131.25

Even though raw water is only available when irrigation water is in the Cody Canal System, which is normally from May through September of each year, the fee shall be paid at the monthly installment regardless if water is available or not if a user is tapped onto the City raw water system. A user may pay the entire fee in May of each year if desired for the twelve (12) months following.

(b) Those taps located above elevation five thousand forty feet (5,040 ft.) installed prior to January 1997 shall be charged at the rate for one (1) tap size smaller than the installed tap size, provided however, no user shall be charged less than the rate for a three-quarter-inch (¾”) tap.

(c) Any subdivision located above the elevation five thousand forty feet (5,040 ft.) where the developer has installed prior to January 1997 taps greater than one inch (1”) will be charged at the rate of a one-inch (1”) tap.

(d) Taps in the Canyon Meadow Subdivision shall be charged at the rate of a three-quarter-inch (¾”) tap.

(e) Individual taps for townhouse residences shall pay an annual irrigation season fee of sixty-three dollars ($63.00) which may be paid in monthly installments of five dollars and twenty-five cents ($5.25).

(f) Any user desiring to relocate or down size their raw water tap will do so at their own expense subject to inspection by the City prior to installation. A digging permit must be obtained from the City. In the event that the service needs to be retapped, the old tap must be

abandoned at the corporation stop and if the City's only involvement is the retap, the charge will be one hundred dollars ($100.00).

(g) Upon failure by any user of City water to pay his account in full within fifteen (15) days of the date of billing, the Administrative Services Director may notify such user, by regular mail, that this account is in arrears and must be paid as directed in the notice or all City utility services shall be discontinued. In the event such account remains unpaid at the expiration of the time allotted on the notice, the City will discontinue further utility services to such users.

Upon payment of the account in full, plus associated charges, the City utility services shall be restored to such user. In the event all City utility services are discontinued due to nonpayment, one service charge shall apply for reconnection of all such service for that consumer.

Sec. 33-59. Responsible for payment.

The individual or entity in whose name the account is opened shall be responsible for the payment of all raw water used upon each property according to the rate table set out in Sec. 33-58.

Chapter 34

WEAPONS*

34-1. Discharging generally.
34-2. Drawing or threatening to use a deadly weapon.
34-3. Carrying concealed or wearing weapons openly.
34-4. Furnishing deadly weapons and certain cartridges to minors.
34-5. Legal Hunting on Annexed Lands

* For state law as to dangerous or deadly weapons, see W.S., 1957, §§ 6-237 to 6-246.

As to shooting firearms near the city reservoir, see § 33-33 of this Code.

34-1. Discharging generally.

No person shall discharge any firearm or air gun of any type or description within the city except by permission of the Chief of Police or the city council, granted for special occasions, except in proper position for firing salutes or by command of a proper military or police officer in the performance of official duty, or in a shooting range or gallery authorized by the Governing Body. Special occasions for which permission may be granted shall include, but not be limited to, parades, festivals, demonstrations, exhibits, mock gunfighter performances, wild west shows and rodeos. (1960 Comp. Ords., § 8-501; Ord. No. 00-6.)

34-2. Drawing or threatening to use a deadly weapon.*

It shall be unlawful for any person to draw or to threaten to use upon any other person any pistol, dirk, knife, slingshot, or any other deadly or dangerous weapon, provided, that the provisions of this chapter shall not apply to any person drawing or threatening to use such deadly or dangerous weapon in defense of his person or property. (1960 Comp. Ords., § 8-502.)

* For similar state law, see W.S., 1957, § 6-238.

34-3. Carrying concealed or wearing weapons openly.*

It shall be unlawful for any person to wear or carry any dirk, slingshot, gun, knife, dagger, sword in case, or other dangerous or deadly weapon concealed, or to carry or wear such weapons openly, with the avowed purpose of injuring any other person, or of disturbing the peace of the city or any of the inhabitants thereof.

The provisions of this section shall not apply to the duly appointed law enforcement officers of the city, county or state, or of the United States, in the lawful discharge of their duties as such officers. (1960 Comp. Ords., §§ 8-503, 8-504.)

* For state law as to carrying concealed weapons, see W.S., 1957, § 6-239.

34-4. Furnishing deadly weapons and certain cartridges to minors.*

It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, dirk, knife, slingshot, knucks, or any other deadly weapon of any kind, which can be worn or concealed upon the person.

It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol. (1960 Comp. Ords., § 8-505.)

* For similar state law, see W.S., 1957, § 6-240.

34-5. Legal Hunting on Annexed Lands

In the event the City elects to annex land, which immediately prior said annexation was property on which legal hunting occurred, the City by resolution may designate the specified property area where legal hunting may continue.

Chapter 35

ZONING*

§ 35-1. Definitions.
§ 35-2. Scope and purposes.
§ 35-3. Districts established; Zoning District Map.
§ 35-4. Restrictions and limitations.
§ 35-5. Residential "AA" and "A" districts.
§ 35-6. Residential "B" districts.
§ 35-7. Residential "C" districts.
§ 35-8. Limited business "D-1" districts, general business "D-2" districts, open business/light industrial "D-3" districts and high tech/data processing/light manufacturing "D-4" districts.
§ 35-9. Industrial "E" districts.
§ 35-10. Mobile home "F-1" and "F-2" districts.
§ 35-11. Transitional "T" districts and rural residential "RR" districts.
§ 35-12. Fences and boundary walls.
§ 35-13. Nonconforming use.
§ 35-14. Conditional use permit and special exemptions.
§ 35-15. Administration.
§ 35-16. Planning and zoning commission.
§ 35-17. Interpretation of chapter and variances.
§ 35-18. Boundaries of districts.
§ 35-19. Changes and amendments.
§ 35-20. Penalty.

* For state law as to zoning generally, see W.S., 1977, §§ 15-1-701 to 15-1-709.

Sec. 35-1. Definitions.

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

Accessory building. A building subordinate to the main buildings on the same lot and used for the purposes customarily incidental to those of the main building.

Alley. A public way which affords only a secondary means of access to abutting property.

Apartment house. See dwelling, multiple.

Auto court. A group of dwellings rented or leased primarily for temporary or transient occupancy.

Basement. For the purpose of this chapter, a basement is construed to be a story partly or wholly below the ground level upon which another story is intended to be built.

Boardinghouse. A building other than a hotel, restaurant or cafeteria, where meals for five or more persons are served for compensation.

Building. A structure for the support, shelter or enclosure of persons, animals or chattels. Such term shall include the word "structure."

Building, height of. The height of a building is the vertical distance from the curb level to the mean level of the slope of the main roof.

Building line. A building line is the main line of the farthest project of the wall of a building.

Buffer zone. A minimum fifteen-feet wide strip of land, to be landscaped and maintained, on a commercially zoned property to separate it from any adjacent land that is zoned residential.

Child day care. A service provided by an individual, partnership, corporation or other business entity to keep or care for any minor child at the request of the parents, legal guardians or an agency which is responsible for the child.

Dwelling, one-family, detached. A dwelling house detached from any other building, designed for the use of one family only, and having not to exceed one kitchen, one meter for measuring gas, and one meter for measuring electric current, and one nwater meter. At any time that a one-family dwelling is altered, remodeled or added to in any way to provide for more than one housekeeping unit, it shall thereupon be classed as a two-family dwelling, as the case may be.

Dwelling, one-family semidetached and two-family. A detached building occupied exclusively by two families.

Dwelling, multiple. A building occupied by three or more families living independently of each other.

Dwelling, residential condominium. A building or structure where ownership of one-family dwelling units,

separated only by a common fire-resistive occupancy separation, may be held or conveyed separate from the land upon which it is situated. Ownership of the land, parking areas, general use areas, etc. shall be held in perpetuity by a condominium owners association.

Dwelling, townhouses, one-family attached. A series or group of two or more one-family dwelling units separated only by a common fire-resistive occupancy separation wall, and ownership of a dwelling unit shall include the parcel of land upon which it is situated and shall front upon a dedicated public street or an approved private drive connected to a dedicated public street.

Family. A family is any number of persons living and cooking together on the premises as a single housekeeping unit, but it shall not include a group of more than five individuals not related by blood or marriage.

Family Day Care Home (FDCH). A business providing child day care for up to ten (10) children at any one time. The facility must also serve as a family home to the provider.

Fence. A hedge, structure, barrier or partition, grown or erected for the purpose of enclosing a piece of land, or to divide a piece of land into district portions, or to separate two contiguous estates.

Frontage. All the property abutting upon one side of a street between two intersecting streets measured along the street line.

Garage, private. A garage with capacity for not more than three self-propelled vehicles for storage only; provided, however, a private garage may exceed a three-vehicle capacity if the lot whereon such garage is located contains not less than two thousand square feet for each vehicle stored.

Garage, community. A garage consisting of a series of stalls under a continuous roof for storing self-propelled vehicles, provided the lot whereon such garage is located contains not less than one thousand square feet for each vehicle stored, and having no public shop or service connected therewith.

Garage, public. A garage other than a private or community garage used for storage or care of more than three self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for remunerations, hire or sale.

Grade, established. The grade of the street curb line fixed by the city.

Group Day Care Home (GDCH). A business providing child day care for up to fifteen (15) children at any one time in a residential or commercial type structure. If located within a residential zone, the facility must also serve as a family home to the provider.

Group Day Care Center (GDCC). A business providing child day care for up to fifty (50) children at any one time.

Hotel. A building occupied as the more or less temporary abiding place of the individuals, with or without meals.

Lot. A lot is a parcel of land occupied by one main building or use, with its accessories, and including the open spaces accessory to it. No area shall be counted as accessory to more than one main building or use, and no area necessary for compliance with the open space requirements for one main building or use shall be included or counted in the calculations of the open space accessory to any other main building or use.

Lot, corner. A lot situated at the junctions of two or more streets.

Lot, interior. A lot other than a corner lot.

Lot, through. An interior lot having frontage upon two parallel streets or nearly parallel streets.

Lot lines. The lines bounding a lot as defined above.

Manufactured Home. A single family residential structure transportable in one or more sections, which when assembled equals or exceeds twenty-four fee in width and thirty-six in length. Said structure is designed to be attached to a permanent foundation, was constructed after January 15, 1976, and is built in compliance with either the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development or the International Building Code, as adopted.

Mobile Home. A single family residential structure which is fabricated in one or more sections at a location other than the home site by assembly line type production techniques or by other construction techniques unique to an off-site manufacturing process. These structures are designed to be transportable in one or more sections on their own chassis, which when assembled are less than the following in either dimension-twenty-four feet in width, and thirty-six in length.

Modular Home. A residential structure transportable in one or more sections, which when assembled equals or exceeds twenty-four feet in width, and thirty-six in length. Said structure and all additions thereto are designed to be attached to a permanent foundation and are built in compliance with the International Building Code, as adopted.

Nonconforming use. A building or land occupied by a use that does not conform with the use regulations of the district in which it is situated.

Occupied. Such term includes the words "arranged, designed or intended to be occupied."

Planned unit development, residential. A residential subdivision where building locations, building details, parking, landscaping and recreational areas are an integral part of the subdivision plan.

Reversed frontage. The location of a building so as to face the side of a lot rather than as such lot is platted on the official map of the city, in current use.

Rooming house. A building other than a hotel, where lodging for five or more persons is provided for compensation.

Side street. The street beside and running lengthwise with the lots in a block, as such lots are platted on the official map of the city, in current use.

Street. A thoroughfare which affords a principal means of access to abutting property.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having a permanent location on the ground.

Structural alteration. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Substation. A structure or group of structures for changing the characteristics of or measuring or controlling electricity or other utility; provided that electric distribution transformers commonly mounted on power poles for local service shall not be considered substations for the purpose of this article.

Tourist court. See auto court.

Trailer coach camp. Any property used or offered for the accommodation or storage of trailer coach vehicles, the units of which are to be used for living or sleeping purposes. (See Ch. 16 of this Code.)

Used. Such term shall include the words "arranged, designed or intended to be used."

Visual screen. A fence at least six feet high of sufficient density or construction that prevents visual contact from opposite sides.

Yard, front. A front yard is an open space on the same lot with a building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the street lines and the front line of the building projected to the side lines of the lot.

Yard, rear. A rear yard is an open space on the same lot with a building, unoccupied except as hereinafter permitted, extending the full width of the lot and situated between the rear line of the building projected to the side lines of the lot.

Yard, side. A side yard is an open space on the same lot with a building, unoccupied except as hereinafter permitted, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If there be no front yard the front boundary of the side yard shall be the street line, and if there be no rear yard the rear boundary of the side yard shall be the rear line of the lot. (1960 Comp. Ords., § 26-102; Ord. No. 82-19, § 1; Ord. No. 89-15, § 1; Ord. No. 93-4, § 1.; Ord. No. 97-15, §§ 1-3.)

Sec. 35-2. Scope and purposes.

This chapter is in pursuance of authority conferred by Wyoming Revised Statutes, 1957, sections 15.1-83 to 15.1-

91, and for the purpose of promoting the health, safety, morals and general welfare of the inhabitants of the city by lessening congestion in the streets, securing safety from fire, panic and other dangers, providing adequate light and air, preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements, and by other means, in accordance with a comprehensive plan. (1960 Comp. Ords., § 26-101.)

Sec. 35-3. Districts established; Zoning District Map.

In order to regulate and restrict the location of trades, industries, and other uses, and the locations of buildings designed, erected, altered or occupied for specified purposes; to regulate and limit the height and bulk of buildings hereinafter erected or altered; to regulate and determine the area of yards and other spaces; and to regulate and limit the density of population; certain districts are hereby created and designated, as shown by the "Zoning District Map" of the city, which map, as revised to include amendments thereto from time to time, is hereby declared to be a part of this chapter, by this reference. The districts are classified as follows:

(1) Residence "AA" districts.

(2) Residence "A" districts.

(3) Residence "B" districts.

(4) Residence "C" districts.

(5) Business and commercial "D" districts.

(6) Industrial "E" districts.

(7) Mobile home "F" districts.

(1960 Comp. Ords., § 26-103; Ord. No. 77-18; Ord. No. 80-7, § 1.)

Sec. 35-4. Restrictions and limitations.

Except as herein provided, the following restrictions shall be in force:

(a) Size of dwellings; basements.

(1) It shall be unlawful, anywhere within the limits of the city to build, erect or locate any dwelling of less than two rooms and covering less than eight hundred sixty-four square feet, except tourist or auto court cabins

and similar dwellings intended and used primarily for temporary or transient occupancy, which may be built to cover not less than two hundred forty square feet in a business or industrial district, or to use any building or provide for habitation which does not conform hereto; provided that provisions of this section shall not apply to mobile (trailer) homes which are regulated by the provisions of chapter 16.

(2) No person shall build in Residence "A" district, within the city, any basement, placing thereon a roof or any covering to serve as a roof, and use such basement for either dwelling or business purposes, whether temporary or permanent.

(b) Use. No building shall be erected, structurally altered or moved, and no building or land shall be used for any purpose other than that permitted, in the district in which such building or land is located.

(c) Height. No building shall be erected or structurally altered to exceed the height or area limit herein established for the district in which such building is located.

(d) Lot area. No lot area shall be so reduced or diminished that the yard or other open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations herein established for the district in which such building is located.

Except as provided in section 35-13, every building hereafter erected shall be located on a lot as herein defined. (1960 Comp. Ords., § 26-105; Ord. No. 407; Ord. No. 97-15, § 4.)

Sec. 35-5. Residential "AA" and "A" districts.

I. Residential "AA" districts.

(a) Use. No building or land shall be used and no building shall be erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

(1) One-family dwellings.

(2) Municipal recreation uses.

(3) Accessory building and uses incidental to any of the above uses, including one private garage.

(4) Family day care home (FDCH) subject to the following conditions:

A. The business shall be in a family dwelling if same can be done without altering the residential character of the dwelling which shall continue to be occupied as a residence.

B. No signs, insignia or identification shall be permitted.

C. All outside play areas shall be fenced in an adequate manner to contain the children and provide a visual screen.

D. The children shall not be permitted in the outside play areas before nine a.m. or after seven p.m. or dark, whichever occurs first.

(5) A home occupation which is a business/commercial use conducted within the dwelling unit such as business on the Internet, fly tying, bookkeeping, accounting, art, writing, crafts, appraisal, marketing, consulting, auctioneering, sewing and cosmetics and other businesses similar in nature as those herein specifically set forth; provided, however, that such home occupation meets and falls within the following limitations:

A. Service and/or home products not requiring machine manufacturing and the production of which does not create noise or odor that is heard or smelled outside the home shall be the primary function of the business with no on-site delivery, distribution or dispensing of goods or products.

B. A business/commercial use shall be incidental and secondary to the use of the structure as a dwelling and the business shall be conducted exclusively by the family residing therein without any other employees.

C. The business/commercial use shall be conducted entirely within the structure used as a dwelling. There shall be no exterior storage upon the premises of material or equipment relating to or involved in the home business. Specifically prohibited is the parking of large vehicles such as wreckers, trucks, transportation semi-trucks, and trailers, or other disturbing influences greater than those of other residential properties in the neighborhood. The business must not employ equipment or a process creating dust, smoke, glare smoke, traffic attraction or excessive noise.

D. No home business sign, insignia or identification number shall be permitted.

E. The total area devoted to the business shall not exceed twenty-five percent of the total area to the structure occupied as a dwelling.

F. No salesmen, representatives, agents or customers shall visit the home business.

G. The structure wherein the home business is operated shall conform to neighboring structures in general appearance, size, location on lot and quality of construction.

a. Height. No building shall be erected or structurally altered to exceed two stories or a maximum height of twenty-eight feet above grade.

b. Yards. Each building whether dwelling, detached private garage or municipal recreation building shall have setbacks (yards) as herein delineated.

Front	Side, Rear	Interior Lot	Corner Lot, Side Street
25 ft.	15 ft.	5 ft.	15 ft.

Except a detached private garage may be located within five feet of an alley line.

Detached accessory buildings other than private garages shall be located within the rear half of the lot and shall have setbacks as herein delineated.

Rear Side	Interior Lot	Corner Lot, Side Street
5 ft.	5 ft.	15 ft.

(d) Lot area per family. For every one-family dwelling there shall be provided a minimum of seven thousand square feet; provided, that such a dwelling may be constructed on lots heretofore regularly platted in the city and containing less than seven thousand square feet.

(e) Percentage of lot area covered by buildings. In no case shall over fifty percent of the lot area be covered by a main building and accessory buildings.

(f) New construction. Only new construction, consisting of conventional site built single-family dwellings, or alterations of existing construction are permitted. A

conventional site built single-family dwelling may be moved to a lot, located within this zone, if approved by the planning, zoning and adjustment board (board). The board will consider home design, character, materials, color, roof style, detailing and neighboring architectural themes and character in their review. A basement house or temporary house or temporary houses are not permitted. No building shall be built or used for residential purposes on any lot unless the lot has immediate access to an adjacent street. Being adjacent to an alley shall not meet this requirement.

II. Residential "A" districts.

(a) Use. No building or land shall be used and no building shall be erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

(1) Any uses permitted in a residential "AA" district.

(2) Two-family dwellings, townhouses (one-family attached), and residential condominiums if any such townhouses and residential condominiums are situated within a planned unit development residential subdivision.

(3) Home business, including generally, but not limited to the following: offices for accountants, doctors, engineers, lawyers, insurance businesses, real estate businesses, photography studios, private instruction studios, with no more than four students at any one time, secretarial service businesses, and other businesses similar in nature as those herein above specifically set forth; provided, however, that such home business meets and falls within the following limitations:

A. Service shall be the primary function of the business with no merchandising and with very limited dispensing of goods, which goods must be directly related to the services rendered.

B. A business use shall be incidental and secondary to the use of the structure as a dwelling and the business shall be conducted exclusively by the family residing therein without any employees.

C. The business use shall be conducted entirely within the structure used as a dwelling or the permitted accessory building. There shall be no exterior

storage upon the premises of material or equipment relating to or involved in the home business.

D. Any home business sign, insignia or identification number shall not exceed three hundred square inches and shall be attached to a wall of the structure.

E. The total area devoted to the business shall not exceed one-half of the total area of the structure occupied as a dwelling.

F. A home business that can reasonably be expected to have clients come upon the premises shall provide the off-street parking required by the city ordinances in addition to that required for a dwelling.

G. The structure wherein home business is operated shall conform to neighboring structures in general appearance, size, location on lot and quality of construction.

(4) Telephone exchange and electric or gas substation where no public business office and no repair or storage facilities are maintained, if enclosed in buildings which are architecturally harmonious with surrounding buildings.

(5) Golf, tennis and other athletic grounds together with club houses and related facilities.

(6) Hospitals and nursing homes, except animal hospitals; elementary schools, high schools and institutions for higher education; churches, public libraries and public museums, provided however, such uses in an area lying within the airport overlay zone shall be subject to paragraph (b), conditional uses, below.

(7) Accessory buildings and uses incidental to any of above uses, including one private garage.

(8) When any change of use occurs the city building inspector shall be notified in writing and the building and property must conform in all aspects to the city code pertaining to such use. Any home business shall provide off-street parking as required by Chapter 20.1 of the city code.

(b) Conditional uses. In accordance with sec. 35-14 of this chapter, the following uses shall be allowed only upon approval of a conditional use permit, for all area lying within the airport overlay zone:

Hospitals and nursing homes; elementary schools, high schools and institutions for higher education; churches, public libraries and public museums; other similar uses.

(c) Height. No building shall be erected or structurally altered to exceed two stories or a maximum height of twenty-eight feet above grade.

(d) Yards. Each building whether dwelling, detached private garage or other building for an approved principal use shall have setbacks (yards) as herein delineated.

Front	Side, Rear	Interior Lot	Corner Lot, Side Street
25 ft.	15 ft.	5 ft.	15 ft.

(e) Lot area per family. For every one-family dwelling, one-family semidetached dwelling or two-family dwelling there shall be provided a minimum of seven thousand square feet; provided that one of the above buildings may be constructed on lots heretofore regularly platted in the city and containing less than seven thousand square feet.

(f) Percentage of lot area covered by building. In no case shall over fifty percent of the lot area be covered by a main building and accessory buildings.

(g) New construction. Only new construction, consisting of conventional site built single-family dwellings, or alterations of existing construction are permitted. A conventional site built single-family dwelling may be moved to a lot, located within this zone, if approved by the planning, zoning and adjustment board (board). The board will consider home design, character, materials, color, roof style, detailing and neighboring architectural themes and character in their review. A basement house or temporary house or temporary houses are not permitted. No building shall be built or used for residential purposes on any lot unless the lot has immediate access to an adjacent street. Being adjacent to an alley shall not meet this requirement. (Ord. No. 85-1, § 1: Ord. No. 87-3, § 1; Ord. No. 93-4, §§ 2,3; Ord. No. 97-15, §§ 5, 6; Ord. No. 00-13, § 1.)

(9) Group day care home (GDCH) subject to the following conditions:

A. The business shall be in a family dwelling if same can be done without altering the residential character of the dwelling which shall continue to be occupied as a residence.

B. No signs, insignia or identification shall be permitted.

C. All outside play areas shall be fenced in an adequate manner to contain the children and provide a visual screen.

D. The children shall not be permitted in the outside play areas before nine a.m. or after seven p.m. or dark, whichever occurs first.

Sec. 35-6. Residential "B" districts.

(a) Use. No building or land shall be used and no buildings shall be erected or structurally altered, unless otherwise permitted herein, except for one or more of the following uses:

(1) Any uses permitted in a Residential "A" District, provided, however, that townhouses (one-family attached) and condominiums need not be within a planned unit development residential subdivision.

(2) Funeral parlors and mortuaries.

(3) Apartment houses and multiple dwellings, except motels, tourist camps or trailer camps; hotels, boarding houses and rooming houses, preschool and group day care centers;

(4) Accessory buildings and uses customarily incident to any of the above uses.

(5) When any change of use occurs the city building inspector shall be notified in writing and the building and property must conform in all aspects to the city codes pertaining to such use. Any home business shall provide offstreet parking as required by Chapter 20.1 of the city code.

(b) Conditional uses. In accordance with sec. 35-14 of this chapter, the following uses shall be allowed only upon approval of a conditional use permit, for all area lying within the airport overlay zone:

Apartment houses and multiple dwellings; hotels, boarding houses and rooming houses, preschool and day care facilities; philanthropic institutions, other than correctional institutions; private clubs, fraternities or lodges; and other similar uses.

(c) Height. No building shall be erected or structurally altered to exceed a maximum height of thirty-five, feet above grade.

(d) Yards. Each building whether dwelling, detached private garage or other building for an approved principal use shall have setbacks (yards) as herein delineated.

Front	Side, Rear	Interior Lot	Corner Lot, Side Street
15 ft.	15 ft.	5 ft.	15 ft.

Except a detached private garage may be located within five feet of an alley line.

Detached accessory buildings, other than private garages, shall be located within the rear half of the lot and shall have setbacks (yards) as herein delineated:

Side, Rear	Interior Lot	Corner Lot, Side Street
5 ft.	5 ft.	15 ft.

(e) Lot area per family. For every one-family dwelling there shall be a minimum lot area of six thousand square feet; for every two-family dwelling there shall be a minimum lot area of seven thousand square feet and for multiple family dwellings there shall be a minimum lot area of two thousand two hundred fifty square feet per family.

(f) Percentage of lot area covered by buildings. In no case shall over fifty percent of the lot area be covered by a main building and accessory building.

(g) New construction. Only new construction, consisting of conventional site built or manufactured single-family dwellings, or alterations of existing construction are permitted. If a single-family manufactured home is installed on a site then (1) the lower perimeter enclosure must meet or be attached to the lower outside edge of the manufactured home, (2) all tongues, towing devices and wheels must be removed from the lot on which the manufactured home is situated and (3) plans and specifications for the design and construction of the home must be filed with the building official. A conventional site built single-family dwelling may be moved to a lot, located within this zone, if approved by the planning, zoning and board of adjustment (board). The board will consider home design, character, materials, color, roof style, detailing and neighboring architectural themes and character in their review. When considering multi-family housing, either site built or modular multi-family dwellings are allowed. A basement house or temporary house or temporary houses are not permitted. No building shall be built or used for residential purposes on any lot unless the lot has immediate access to an adjacent street. Being adjacent to an alley shall not meet this requirement. (Ord. No. 85-1, § 1: Ord. No. 87-3, § 2; Ord. No. 97-15, § 7.)

Sec. 35-7. Residential "C" districts.

(a) Use. No building or land shall be used and no buildings shall be erected or structurally altered, unless

otherwise provided herein, except for one or more of the following uses:

Any use permitted in a residential "B" district.

(b) Height. No building shall be erected or structurally altered to exceed a maximum height of thirty-five feet above grade.

(c) Yards. Each building whether dwelling, detached private garage or other building for an approved principal use shall have setbacks (yards) as herein delineated.

Front	Side, Rear	Interior Lot	Corner Lot, Side Street
15 ft.	15 ft.	5 ft.	15 ft.

Except a detached private garage may be located within five feet of an alley line.

Detached accessory buildings, other than private garages, shall be located within the rear of the lot and shall have setbacks (yards] as herein delineated:

Rear	Side, Interior Lot	Corner Lot, Side Street
5 ft.	5 ft.	15 ft.

(d) Lot area per family. For every one-family dwelling there shall be a minimum lot area of six thousand square feet; for every two-family dwelling there shall be a minimum lot area of seven thousand square feet and for multiple family dwellings there shall be a minimum lot area of two thousand square feet per family.

(e) Percentage of lot area covered by buildings. In no case shall over fifty percent of the lot area be covered by a main building and accessory buildings.

(f) New construction. Only new construction, consisting of conventional site built or manufactured single- family dwellings, or alterations of existing construction are permitted. If a single-family manufactured home is installed on a site then (1) the lower perimeter enclosure must meet or be attached to the lower outside edge of the manufactured home, (2) all tongues, towing devices and wheels must be removed from the lot on which the manufactured home is situated and (3) plans and specifications for the design and construction of the home must be filed with the building official. A conventional site built single-

family dwelling may be moved to a lot, located within this zone, if approved by the planning, zoning and board of adjustment (board). The board will consider home design, character, materials, color, roof style, detailing and neighboring architectural themes and character in their review. When considering multi-family housing, either site built or modular multi-family dwellings are allowed. A basement house or temporary house or temporary houses are not permitted. No building shall be built or used for residential purposes on any lot unless the lot has immediate access to an adjacent street. Being adjacent to an alley shall not meet this requirement. (Ord. No. 85-1, § 1; Ord. No. 97-15, § 8.)

Sec. 35-8. Limited business "D-1" districts, general business "D-2" districts, open business / light industrial "D-3" districts and high tech / data processing / light manufacturing "D-4" districts.

I. Limited Business "D-1" Districts.

(a) Intent and purpose. It is the intent that the limited business D-1 district shall provide services normally accessory to a residential area, with only moderate interference with the tranquility of the adjacent residential neighborhood. Services shall be limited to business hours of six a.m. to ten p.m.

(b) Use. No building or land shall be used and no building shall be erected or structurally altered unless otherwise permitted herein, except for one or more of the following uses:

(1) Any use permitted in the "C" districts, except no manufactured homes shall be permitted for commercial purposes;

(2) Antique shops; art galleries, including dealers and art supplies; barber shops; beauty shops; book and stationery stores; clothing stores; department stores; retail electrical stores; appliance stores, including sales and repairs; drug stores; variety stores; florist and gift shops; furniture stores; grocery stores; hardware stores; jewelry stores, including watch repair shops; craft and hobby stores, music stores; radio, television and video stores, including repair shops; office supply stores; paint stores, wallpaper stores, glass stores, floor covering stores; tack supply stores; photography studios; camera shops; private schools; shoe stores, including sales and repairs; sporting goods stores; toy stores; insurance offices, real estate offices; travel bureaus and agencies; storage buildings; retail bakeries; needlework, handweaving and tapestry shops; bicycle sales and repair shops; frozen food lockers; health studios, spas and clubs; ice vending machines and dispensers; dancing schools; taxi stands and offices; engineering and surveying offices; accounting offices; legal offices; physicians, and surgeons offices; dentist offices; opticians offices; osteopath offices; chiropractors offices; counseling services; laboratories; telephone and telegraph offices and exchanges. Other similar uses, stores and services may be permitted, but expressly excluding those listed in D-2 and D-3 districts;

offices, real estate offices; travel bureaus and agencies; storage buildings; retail bakeries; needlework, handweaving and tapestry shops; bicycle sales and repair shops; preschool or child care facilities; frozen food lockers; health studios, spas and clubs; ice vending machines and dispensers; dancing schools; taxi stands and offices; engineering and surveying offices; accounting offices; legal offices; physicians, and surgeons offices; dentist offices; opticians offices; osteopath offices; chiropractors offices; counseling services; laboratories; telephone and telegraph offices and exchanges. Other similar uses, stores and services may be permitted, but expressly excluding those listed in D-2 and D-3 districts;

(3) All structures and signs within the district shall be architecturally compatible, all signs shall attach flush with the wall of the building and shall not be lighted in any manner. Architectural and landscaping plans shall be submitted to the city planning and zoning commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans;

(4) The area of an individual store, office or space shall be limited to a maximum area of five thousand square feet in any one story and a maximum gross area of ten thousand square feet;

(5) Where any business or commercial district is adjacent to any residential district there shall be provided on the business or commercial district a buffer zone with a visual screen.

II. General Business "D-2" Districts.

(a) Intent and purpose. it is the intent that the general business, D-2 district shall provide retail commercial and business service.

(b) Use. No building or land shall be used and no building shall be erected or structurally altered unless permitted herein, except for one or more of the following uses:

(1) Any uses permitted in the D-1 district;

(2) Dry cleaning stores; drive-in food services; service stations; automobile garages, including sales, service and repairs; automobile body and paint shops, including upholstering and reconditioning; automobile leasing offices; new and used car lots, including storage; automobile parts stores; car washes; golf courses; canvas sales and fabrication; banks and financial institu-

tions; fur sales, repair and storage; employment services; bottling plants; blacksmith or welding shops; boat sales and repairs; book binding; broadcasting studios without towers; plumbing, heating and roofing supply and workshops; building material sales and lumber yards; clothes cleaning and laundromats; small equipment leasing and storage; art foundries; mobile home sales; pet shops; greenhouses and nurseries, post offices; pottery manufacturing facilities; printing and publishing shops; sign shops; swimming pool sales and supplies; wholesale bakeries; warehouses. Stores and services may be permitted but expressly excluding those listed in D-3 districts;

(3) Bowling alleys, roller skating rinks, theaters, restaurants, motels, hotels, bars and lounges, amusement parks, stadiums, rodeo arenas, video arcades, museums, pool halls and resorts; provided, however, such uses in an area lying within the airport overlay zone shall be subject to paragraph (c), conditional uses, below;

(4) Where any business or commercial district is adjacent to any residential district there shall be provided on the business or commercial district a buffer zone with a visual screen;

(5) All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the city planning and zoning commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans.

(c) Conditional uses. In accordance with sec. 35-14 of this chapter, the following uses shall be allowed only upon approval of a conditional use permit, for all area lying within the airport overlay zone:

Bowling alleys, roller skating rinks, theaters, restaurants, motels, hotels, bars and lounges, amusement parks, stadiums, rodeo arenas, video arcades, museums, pool halls, and resorts; and other similar uses.

III. Open Business/Light Industrial "D-3" Districts.

(a) Intent and purpose. It is the intent that the open business, D-3, district shall provide a zone for the conduct of commercial and business service not permitted within the D-2 zone, and certain small light industrial uses.

(b) Use. no building or land shall be used and no building shall be erected or structurally altered unless

otherwise permitted herein, except for one or more of the following uses:

(1) Any use permitted in the D-2 district.

(2) Animal boarding kennels; boat building and repairs; cabinet shops; cleaning plants; cosmetic manufacturing; dairy product processing; heavy equipment sales and storage; livestock feed sales (no processing or manufacturing); contractors yards; animal hospitals; taxidermist shops. Other similar uses may be permitted;

(3) Drive-in theaters; manufacturing of electronic components, instruments, jewelry, games, toys and pharmaceuticals; cold storage plants, meat processing plants, motion picture production studios, and furniture manufacturing or assembly facilities. Provided, however, such uses in an area lying within the airport overlay zone shall be subject to paragraph (c), conditional uses, below;

(4) Uses specifically prohibited within a D-3 district are grain elevators; the storage or handling of explosives, caustics, unstable flammable liquids, toxic or hazardous materials or substances;

(5) Where any business or commercial district is adjacent to any residential district there shall be provided on the business or commercial district a buffer zone with a visual screen;

(6) All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the city planning and zoning commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans.

(c) Conditional uses. In accordance with section 35-14 of this chapter, the following uses shall be allowed only with the approval of a conditional use permit for all area lying within the airport overlay zone:

Drive-in theaters; manufacturing of electronic components, instruments, jewelry, games, toys, and pharmaceuticals; cold storage plant; meat processing plant; motion picture production studio; furniture manufacturing or assembly facilities; and other similar uses.

IV. High Tech/Data Processing/Light Manufacturing "D-4" Districts.

(a) Intent and Purpose. It is the intent that the high tech/data processing/light manufacturing "D-4" dis-

trict shall provide a zone that will permit restricted business or manufacturing uses that will be compatible with a residential district.

(b) Use. No building or land shall be used and no building shall be erected or structurally altered unless otherwise permitted herein, except for the following uses:

(1) The manufacture and/or assembly of electronic and/or computer components and devices. The manufacturing and assembly of such devices and components shall not produce or emit any sound of seventy dBA or more at night (seven p.m. to seven a.m.), and eighty dBA or more during the day (seven a.m. to seven p.m.), as measured at twenty-five feet from any building located on the property so used, or any odor that is detectable from twenty-five feet outside the property line of the property so used;

(2) Commercial information and electronic data gathering, processing and computing operations;

(3) Offices associated with the uses described in subsections (IV)(b)(1) and (2) of this section;

(4) Engineering and surveying offices, accounting offices, legal offices, physicians' and surgeons' offices, dentists' offices, opticians' offices, osteopath offices, chiropractor offices, and similar professional offices and counseling services.

(c) For the purposes of interpreting and applying subsection (IV)(b)(1) of this section, the following apply:

(1) An "odor" means an emission into the ambient air which stimulates human smell;

(2) An odor is "detectable" if it is sufficient in strength to be equal to but not greater than that detectable after seven dilutions with odor-free air, as determined by a scentometer as manufactured by the Barneby-Cheney Company, or any other instrument, device or technique designated by the Wyoming Department of Environmental Quality as producing equivalent results. The occurrence of odors shall be measured so that at least two measurements can be made within a period of one hour, these determinations being separated by at least fifteen minutes.

(a) There shall be no outside storage of any supplies, materials, products or containers of any kind and all delivery or pickup vehicles shall be limited to the hours of seven-thirty a.m. to six p.m. Monday through Friday.

(e) If the use of the land as described in subsection (IV)(b) of this section involves "shift work," then no group of more than twenty-five employees shall begin or end a shift between the hours of seven p.m. to seven a.m. For the purposes of this subsection only, the phrase "shift work" means that situation where any group of employees, consisting of twenty-five percent or more of the business employees, begins or ends a work day at a different hour than any other employees at the same business location.

(f) No building or structure on the property shall be more than one story, and the architecture and general appearance, size and location of any structure on the property shall be compatible with any adjacent residential area, and the same shall be approved prior to construction by a committee designated by the mayor and city council. The committee shall also determine the percentage of the lot area that can be covered by buildings, and any front, rear and side lot requirements that would have to be met, and it shall review all landscaping plans.

(g) Any sign, insignia or identification number for any structure shall not exceed eight feet by six feet. Such sign, insignia or identification number shall be aesthetically pleasing and, if artificial lighting is used for the sign, such lighting shall be only an amount necessary for it to be legible to passing motorists. (1960 Comp. Ords., § 26-109; Ord. No. 78-19, § 2; Ord. No. 80-20, § 1; Ord. No. 82-29, § 1; Ord. No. 87-3, § 3; Ord. No. 89-15, §§ 2, 3, 4; Ord. No. 91-2, §§ 1, 2; Ord. No. 93-8, §§ 1, 2; Ord. No. 97-15, § 9.)

Sec. 35-9. Industrial "E" districts.

(a) Use. No building or land shall be used and no building erected or structurally altered unless otherwise permitted herein, except for one or more of the following uses:

(1) Any use permitted in the D-3 districts, except residential use;

(2) Airports, feed manufacturing, pressure treating of wood products. Other similar uses, not herein named, that are not more objectionable or hazardous may be permitted. Certain uses, otherwise permitted in this zone, are prohibited in the airport overlay zone, to-wit: towers, stable flammable liquid storage and liquefied petroleum gas storage;

(3) Use is specifically prohibited within an "E"

District for the storage or handling of explosives, caustics, unstable flammable liquids, or toxic or hazardous materials or substances.

(4) All structures within the district shall be architecturally compatible. Architectural and landscaping plans shall be submitted to the city planning and zoning commission for approval. Architectural and landscaping details shall be maintained as shown by the approved plans. Provided, however, this paragraph shall not apply to any property situated within the boundaries of the Yellowstone Regional Airport. (1960 Comp. Ords., § 26-110; Ord. No. 80-20, § 2; Ord. No. 82-29, § 2; Ord. No. 87-3, § 5; Ord. No. 93-8, § 3; Ord. No. 99-2 § 1.)

Sec. 35-10. Mobile home "F-1" and "F-2" districts.

I.Mobile Home "F-1" Districts.

(a) Use. No land shall be used except for licensed mobile home parks in compliance with all of the requirements set forth in chapter 16 of this Code.

(b) Yards per space. For every mobile home there shall be a front and rear yard of not less than fifteen feet in depth, a side yard on each side of the mobile home not less than ten feet in width, providing that a detached accessory building may be placed within five feet of a side or rear space line, providing further that on a corner lot there shall be provided a fifteen foot yard on the side street (private drive) side.

(c) Height. No mobile home shall exceed one and one-half stories or a maximum height of twenty feet. Other structures shall not exceed two and one-half stories or a maximum of thirty-five feet above grade.

II. Mobile Home "F-2" Districts.

(a) Use. No land shall be used except for one or more of the following uses:

(1) Mobile homes including accessory buildings upon independent lots. All mobile homes shall be supported by permanent foundations and shall be attached thereto according to city codes;

(2) Any use permitted in the "AA" or "A" districts.

(b) Height. No mobile home shall exceed one and one-half stories or a maximum height of twenty feet. Other structures shall not exceed two stories or a maximum of thirty-five feet above grade.

(c) Yards. For every building or mobile home there shall be a front yard of not less than twenty feet and a rear yard of not less than fifteen feet, a side yard of not less than ten feet for a mobile home and not less than five for all other buildings, providing that a detached accessory building may be placed within five feet of an alley line, providing further that the side yard on the street side of a building (corner lot) shall be fifteen feet.

(d) Lot area per family. For every one-family dwelling there shall be a minimum lot area of six thousand

square feet. For every two-family dwelling there shall be a minimum lot area of seven thousand square feet.

(e) Lot width. The minimum lot width shall be fifty feet.

(f) Percentage of lot area covered by buildings. In no case shall over fifty percent of the lot area be covered by a main building and accessory building.

(g) Access. No building or mobile home shall be built or used for residential purposes on any lot unless it has immediate access to an adjacent street. Being adjacent to an alley shall not meet this requirement. (Ord. No. 80-7, § 2; Ord. No. 83-17, § 3.)

Sec. 35-11. Transitional "T" districts and rural residential "RR" districts.

I. Transitional "T" districts.

(a) Use. No building or land shall be used and no building shall be erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

(1) Any uses permitted in a residential "A" district;

(2) Family farms, ranches for the production of livestock, but excluding and prohibiting feed lots and slaughter houses.

(b) Property area. No lots, parcel or tract of land shall be zoned as transitional "T" district unless such separate lot, parcel or tract consists of a minimum of ten acres.

II. Rural residential "RR" districts.

(a) Use. No building or land shall be used and no building shall be erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:

(1) Any uses permitted in a residential "AA" district;

(b) Property area. No lots, parcel or tract of land shall be zoned as rural residential "RR" or be considered for review under these criteria unless each lot or

contiguous lots, parcel, or tract consists of a minimum of ten acres and the lot(s), parcel, or tract is located:

(i) Outside the city boundaries, and is adjacent to or within one mile of the city boundaries; or

(ii) Within the city boundaries; and is adjacent to or within four hundred forty yards of the city boundaries.

(c) Height. No building shall be erected or structurally altered to exceed two stories or a maximum height of twenty-eight feet above grade.

(d) Yards. Each building whether dwelling, detached private garage or municipal recreation building shall have setbacks (yards) as herein delineated.

Front	Rear	Side Interior Lot	Corner Lot, Side Street
35'	15'	15'	35'

(Detached accessory building included)

(e) Lot configuration. The minimum lot width shall be one hundred twenty feet. The lot width shall be considered as the distance between the side lines of a lot measured along the street line except where the street line is an arc or the side lines converge toward the street line, in which case the distance may be measured along the minimum front yard setback line.

(f) Lot area per family. Fifty percent of the one-family dwelling lots shall have a minimum of twenty-one thousand seven hundred eighty square feet; fifty percent of the one-family dwelling lots may be less than twenty-one thousand seven hundred eighty square feet, but not less than seventeen thousand four hundred twenty-six square feet; provided, that municipal sewer and community water are provided. The average size of all lots shall be at least twenty-one thousand seven hundred eighty square feet. When reviewing the average lot area, of all lots, consideration shall be given to the shape of the lots and actual developable area. No credit shall be given for land encumbered by easements and/or rights-of-way. Slopes in excess of twenty-five percent, and impediments such as drainage ways shall be given only partial credit (twenty-five percent of the area so encumbered). Any parcel created by the subdivision of land under this Zone where on-site water and septic are proposed shall contain a minimum of one acre.

(g) Subdivision of lots. If any property zoned under this section has been or should be subdivided pursu-

ant to the requirement of Park County or the City of Cody, no lot, parcel or tract shall be further divided unless all resulting and remaining lots, parcels or tracts meets the minimum requirements of subparagraphs (e) and (f) hereof.

Percentage of Lot Coverage by Buildings	Twenty-five Percent Maximum

(h) New construction only. New construction or alterations of existing construction are permitted. A basement house or temporary house or houses are not permitted. No building shall be built or used for residential purposes on any lot unless it has immediate access to an adjacent street. Being adjacent to any alley shall not meet this requirement. (Ord. No. 86-5, § 3; Ord. No. 96-12, § 1.)

Sec. 35-12. Fences and boundary walls.

No person shall construct or erect, or cause to be constructed or erected anywhere within the city, any boundary or division fence or wall of any kind, without first having secured a permit therefor from the building inspector. No fence or wall shall be constructed or erected to a height in excess of six feet without first obtaining the written approval of the planning and zoning commission. (1960 Comp. Ords., § 26-111; Ord. No. 77-10; Ord. No. 80-7, § 2; Ord. No. 86-5, § 2.)

Sec. 35-13. Nonconforming use.*

Any nonconforming buildings in existence as of the date of this chapter may be kept in proper repair, but, no additions or structural changes shall be permitted except with the approval of the planning and zoning commission. (1960 Comp. Ords., § 26-112; Ord. No. 80-7, § 2; Ord. No. 86-5, § 2.)

* Editor's note. The ordinance from which this chapter derives was approved July 8, 1952.

Sec. 35-14. Conditional Use Permit and Special Exemptions

(I) Conditional Use Permit

Within the airport overlay zone, the city council is empowered to grant conditional use permits for specific uses as designated in the affected land-use classifications.

The purpose of a conditional use permit shall be to assure that the maximum degree of land use compatibility shall be attained in the airport overlay zone, to minimize noise impacts of aircraft, and to provide for the protection of public safety and welfare.

(a) Approval required prior to development. Any person proposing to develop a conditional use shall apply for and obtain approval for a conditional use permit prior to beginning development.

(b) Application. The application for a conditional use permit shall be filed upon the prescribed form with the building official, who shall review it for completeness, and the form shall include:

(1) The name and address of the owner or applicant. Signature of applicant; signature of landowner(s), if other than the applicant.

(2) A legal description, address or other information necessary for site identification.

(3) A statement of the precise nature of the proposed use.

(4) A vicinity sketch showing the relationship of the proposed development to existing streets, structures, open spaces, height and use of each structure, including proposed structure(s), parking areas and landscaping.

(c) Fee. A fee for the filing and processing of applications for all permits required by this section shall be paid at the time an application is submitted. The amount of the fee shall be set by ordinance by the city council, and may be amended or changed by ordinance from time to time.

(d) Scheduling. The planning and zoning commission shall schedule a public hearing and provide adequate notice in conformance with City of Cody and state requirements.

(e) The E.E. Faust Regional Airport Board shall have an opportunity to review and make a formal recommendation on proposed conditional use permits. The planning and zoning commission shall then review the application and supporting material. Within ten days after the action of the planning commission, its recommendation shall be transmitted to the city council. Within thirty days following receipt of the planning commission's recommendations, the city council shall approve or disapprove the conditional use permit request by a majority vote of the council.

(f) Nature of review. When considering an application for a conditional use, the planning and zoning commission and city council shall consider the applicable standards, including the airport obstruction regulations, and may impose specific conditions precedent to establishing the use. Conditions may include, but are not limited to, the following:

(1) Limitations upon the proposed use.

(2) Stipulation as to the exact location of the proposed use as a means of minimizing noise impacts and aviation obstructions.

(3) Requirement that structural features and vegetation be restricted in height.

(4) Reduction of site density.

(5) Compliance with approved engineering plans and specifications.

(6) Requirement for minimum open space.

(7) Stipulation that certain uses will be prohibited, specifically:

Aboveground storage of flammable materials.

Smoke or steam pollution sources and open burning.

Radio/transmitting sources which might interfere with aircraft radio/navigation equipment.

Any use which would ten to initiate or increase bird population.

Aboveground power lines, windmills, towers.

(8) Places of public assembly or with high residential densities shall be discouraged.

(g) Burden of proof rests with applicant. In all cases, the applicant must demonstrate compatibility with aviation use and that potential conflicts or negative impacts will be mitigated.

(h) Effectiveness of conditional use permit.

(1) A conditional use permit approval shall cease effectiveness if the use is not completely developed within two years of the date of approval unless the applicant requests, and the city council provides for, a longer period of effectiveness, based on a finding that the use is a phased development requiring a longer period of development, not to exceed six years with said phases and time deadlines clearly spelled out in the application.

(2) The city council may extend the original approval for one additional year. No later than forty-five days prior to the termination of the initial approval period, the building official shall inform the applicant in writing by mail of the termination date. If the applicant has not submitted to the building official a written request for extension of the approval period by the termination date, effectiveness of the conditional use permit shall be invalid, and further development of the project shall immediately cease.

The city council shall approve the request for extension if it finds that substantial progress has been made toward completion of the development and that said progress is in compliance with applicable regulations and standards, and any condition that is a part of the conditional use approval. The city council shall deny the extension request if it finds that substantial progress has not been made on the project.

(i) Amendment. A conditional use permit may be amended in the same manner as required for the approval of the permit.

(j) Duration of approval. A conditional use permit rurs with the land; compliance with the conditions of such permit is the responsibility of the current owner of the property, whether that be the original applicant or a successor. The use may continue indefinitely, regardless of ownership, provided that the use or operation is consistent with the permit and conditions of the permit.

(k) Reciprocal requirements. When a zone (Ex.: Zone B) allows all uses permitted In another zone (Ex: Zone A), all airport overlay restrictions applying to Zone A shall also apply to Zone B.

(l) Marking and lighting. The owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the airport board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such markers and lights shall be installed, operated, and maintained at the expense of the owner E.E. Faust Regional Airport.

(m) Regulations not retroactive. The regulations prescribed by this section shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of this resolution, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance codified in this section and is diligently prosecuted. (Ord. No. 87-3, § 6 (part).)

(II) Special Exemptions

Pursuant to W.S. §15-1-608, the City of Cody Planning and Zoning Board is authorized to hear and decide special exemptions from the terms of the City of Cody Zoning Ordinance (Chapter 35). It is the intent of these special exemption provisions to provide necessary flexibility in the zoning ordinance without requiring applicants to provide proof of hardship. Certain activities, structures and uses that are essential or desirable for the welfare of the city and not incompatible with other uses in the zoning district or neighborhood are eligible for special exemptions. Special exemptions may be entirely appropriate but not at every location or without conditions being imposed by reason of special problems the use presents. The Planning and Zoning Board may grant those special exceptions that are reasonable and harmless deviations from the zoning ordinance as determined by the following standards and procedures.

(a) Application Procedures.

(1) Optional Pre-application Conference with the Planning and Zoning Board: The pre-application conference is optional and is scheduled at the applicant's request. The conference allows the applicant to obtain information regarding the special exception process and to identify likely concerns regarding the proposal. No application fee is required and the Planning and Zoning Board takes no formal action or decision concerning the proposal.

(2) Filing of Applications.

(A) Application Contents: The application for a special exemption shall include the following information:

(i) The proposed use or project;

(ii) A plot plan showing the major details of the proposal such as location of buildings and structures, parking areas, means of vehicular access, signs, landscaping, fencing and screening, easements, utilities and pedestrian areas.

(iii) A time schedule for development, if applicable

(iv) Such other information as the Board shall by rules of practice require; and

(v) Any other information the applicant believes will support the request.

(B) Filing Period: Applications shall be filed at least 21 days prior to the anticipated date of public hearing.

(3) Payment of Application Fees: At the time the application for a special exemption is submitted to the City, the application fee as set by resolution of the City Council shall be paid by the applicant.

(4) Notice Requirements.

(A) Notice to Neighboring Properties: Upon receipt of a complete application, the Director of Public Works hereinafter referred to as Director [or Chairman of the Planning and Zoning Board] shall schedule a public hearing on the application. At least 10 days prior to the hearing, the applicant shall notify by Certified Mail all property owners within 140 feet of the perimeter of the subject property of the hearing. The notice shall be in a standard form prescribed by the Director of Public Works. The notice shall contain a brief description of the project, the address or a description of the location, applicant's name, and the date, time and place of the hearing. The applicant shall provide the board with Post Office receipts as proof of notification.

(B) Published Legal Notice: The applicant shall cause a legal notice to be published in the City's official newspaper at least 10 days prior to the hearing in a standard form prescribed by the director.

(b) Applicability: Applicants may request, and the Planning and Zoning Board may consider, special exemptions from certain numerical specifications and for uses that are similar to permitted uses as specified below:

(1) Exemption from Numerical Specifications: The following types of numerical standards may be waived or modified by special exemption:

(A) Hour of business operation limits in D-1 District;

(B) Setbacks and yard requirements;

(C) Height limits;

(D) Parking standards of Chapter 20.1;

(E) Lot area;

(F) Lot coverage;

(G) Sign standards;

(H) Limitations on the number of employees; and

(I) Other numerical specifications not specifically listed above provided approval of the special exemption would not be tantamount to rezoning the subject property.

(2) Exemption for Use Similar to Permitted Uses: Special exemptions may be granted to allow uses not listed in the zoning ordinance when the Planning and Zoning Board determines that such use is similar to a permitted use within the zoning district of the subject property. The determination on similarity shall be made in consideration of the size, intensity, noise, traffic, burden on infrastructure, and purposes of the use in question.

(3) Relation to Rezoning, Planned Unit Development and Variances: The Planning and Zoning Board shall not approve a special exemption application when the application would be more properly considered as a rezoning, planned unit development, or variance application.

(c) Planning and Zoning Board Decision.

(1) Public Hearing Procedures: The Chairman of the Planning and Zoning Board shall conduct the public hearing in accordance with the board's hearing rules, if

any have been adopted. In addition, city staff shall have any opportunity to present the application and any staff reports and recommendations to the board. The applicant and those favoring the application shall follow and be allowed to speak and present any information to the board. Opponents shall then be allowed to speak and present information to the board. The board shall have the opportunity to question any speaker or ask any speaker to answer or respond to questions posed by other speakers.

(2) Approval Standards: No special exemption shall be approved unless the Planning and Zoning Board finds:

(A) The special exemption will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties;

(B) The special exemption is designed to be compatible with adjacent land uses and the area or neighborhood;

(C) The special exemption is the minimum deviation from the specifications of the Zoning Ordinance necessary and adequate for the proposed activity, structure or use;

(D) The benefit sought by the applicant can not be achieved by some other method, feasible for the applicant to pursue, other than a special exemption;

(E) Adequate services and infrastructure are or will be available to serve the proposed activity, structure or use; and

(F) The special exemption is consistent with the goals, policies and future land use map of the Master Plan.

(3) Conditions: In approving a special exemption, the Planning and Zoning Board may impose any reasonable conditions or modifications pertaining to operational or physical features of the proposal to ensure conformance with the Approval Standards of subparagraph (2), above. The board is further authorized to set time limits for renewal or expiration of special exemptions and to require financial guarantees, such as performance bond or irrevocable letter of credit, to ensure completion of required improvements.

(4) Time Limit for Decision: The Planning and Zoning Board shall make a decision within 30 days of the public hearing. This time limit may be extended with the consent of the applicant.

(5) Record of Decision: The Planning and Zoning Board's decision shall be set forth in the board's minutes, specifying the name of the applicant, the property address and legal description, the exact nature of the special exemption, and any added conditions, modifications, requirements or limitations.

(6) Terms of Approval or Conditional Approval.

(A) Limits on Modification of Use or Structure: No activity, use or structure allowed by a special exemption may be modified, increased in intensity or extent, structurally enlarged, or expanded in land area, unless:

i. Such is specifically allowed by terms of the approval; or

ii. The Planning and Zoning Board so amends the exemption following the procedures applicable to new applications for special exemptions.

(7) Duration: Duration shall be one of the following:

(A) In the event the Planning and Zoning Board limits the duration of the special exemption, the exemption shall not run with the land and renewal shall be required at the time specified in the Board's decision.

(B) In the event the Planning and Zoning Board does not limit the duration of special exemption, the exemption shall run with the land and the current property owner shall be responsible for compliance with the terms of approval. Said exemption shall be recorded in the Office of the Park County Clerk at the expense of the applicant within 10 days of the granting of the special exemption.

(8) Expiration: If activities allowed by special exemption have not been established within one year of the approval or have ceased to occur for at least one year after having been established, the exemption shall expire and not resume unless an application is filed and approved in accordance with the procedures for review of new special exemptions.

(9) Revocation for Non-compliance: The Planning and Zoning Commission shall have continuing jurisdiction over all special exemptions and may revoke, modify or suspend the approval of the special exemption, after a public hearing and notice given in the same manner as for new applications, under the following conditions:

(A) The exemption was obtained by fraud or misrepresentation;

(B) The exemption has been exercised contrary to the conditions of approval; or

(C) The activity, structure or use permitted by the exemption has been exercised so as to be detrimental to the public health, safety, or welfare, or as to constitute a nuisance.

(10) Other Legal Remedies: In cases of non-compliance with the conditions of approval for special exemptions, the City may elect any other remedy provided by law for violations of this Chapter. In cases warranting immediate abatement, the City may pursue such other legal remedies without delay and it shall not be necessary for the Planning and Zoning Board to have first revoked the exemption.

Sec. 35-15. Administration.

(a) Administrative officer. This chapter shall be enforced by the building inspector and it shall be the duty of such building inspector to thoroughly inspect all work in the city in such manner and at such time as he shall consider necessary for the purpose of procuring compliance with the terms of this chapter. The building inspector or other authorized officials shall have authority to grant building permits, to make inspections and to make all decisions necessary to a proper carrying out of the provisions of this chapter. No oversight or dereliction on the part of any official or employee of the city shall legalize, or authorize or excuse the violation of any of the provisions of this chapter.

(b) Requirements for building permits. Building permits shall be applied for and issued by the building inspector in conformity with chapter 7.

(c) Requirements for camp car or trailer permits. Camp car or trailer permits shall be applied for and issued by the building inspector in conformity with this chapter and with chapter 16. (1960 Comp. Ords., § 26-113; Ord. No. 80-7, § 2; Ord. No. 87-3, § 6 (part).)

Sec. 35-16. Planning and Zoning Commission.

(a) There is hereby established a planning and zoning commission, consisting of nine members, each to be appointed by the mayor with the approval of the city council, for a three-year term, with a member of the city council and a member of the downtown architectural advisory commission to be appointed as two of the members. Any member of the planning and zoning commission may be removed for cause by the city council upon written charges and after public hearing. Vacancies shall be filed for the unexpired term of any member whose term becomes vacant. The planning and zoning commission shall hear and decide appeals from and review any order, requirement, decision or

determination made by the administrative officer charged with the enforcement of Chapter 35. It shall also hear and decide all matters referred to it or upon which it is required to pass under this chapter.

(b) The commission shall adopt rules in accordance with the provisions of this chapter. Meetings of the commission shall be held at the call of the chairman and at such other times as the commission may determine; provided, that the commission shall meet not less than four times per year. The chairman or, in his absence, the acting chairman, may administer oaths and compel attendance of witnesses. All meetings of the commission are open to the public. The commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions. All minutes shall be filed immediately in the office of the commission and are public records.

(c) Appeals to the planning and zoning commission may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Appeals shall be taken within a reasonable time as provided by the rules of the commission by filing with the officer from whom the appeal is taken and with the planning and zoning commission a notice of appeal specifying the grounds therefor. The officer from whom the appeal is taken shall forthwith transmit to the commission all the papers constituting the record upon which the action appealed from was taken.

(d) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the planning and zoning commission, after notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property; in which case proceedings shall not be stayed otherwise than by a restraining order, granted by the district court for the Fifth Judicial District, or a judge thereof, on notice to the officer from which the appeal is taken and on due cause shown.

(e) The planning and zoning commission shall fix a reasonable time for hearing the appeal, give public notice, adequate notice to the parties in interest and appear in person or by agent or by attorney.

The Planning and Zoning Commission has the following powers:

(1) To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.

(2) To hear and decide special exemptions to the terms of this chapter upon which the commission is required to pass.

(3) To vary or adjust the strict application of any of the requirements of this chapter in the case of an irregular, narrow, shallow or steep lot or other physical condition applying to a lot or building as a result of which strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of this chapter may be granted by the commission unless it finds:

(a) That there are special circumstances or conditions, fully described in the findings of the commission, applying to the land or building for which the adjustment is sought, which circumstances or conditions are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of July 8, 1952;

(b) That, for reasons fully set forth in the findings of the commission, the circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land or of the land or building, and that the adjustment as granted by the commission is the minimum adjustment that will accomplish this purpose; and

(c) That the granting of the adjustment will be in harmony with the general purposes and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(4) To grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least five years in violation of this chapter and the city has not taken steps toward enforcement.

(5) To prepare and recommend in the city council, a comprehensive plan of public improvements, looking to the present and future development and growth of the city. Such a plan after its adoption by the city council will be known as the master plan.

(6) Such plan shall include reasonable requirements in reference to streets, alleys and public grounds within the corporate limits and in contiguous territory outside of and distant not more than one and one-half miles from such limits and not included in any municipality; such requirements to be effective if any such land shall be subdivided after the adoption of such plan.

(7) To prepare and recommend to the city council, from time to time, such changes in the plan or any part thereof as may be deemed necessary by the city council or by the planning and zoning commission.

(8) To prepare and recommend to the city council, from time to time, plans or recommendations for specific improvements in pursuance of such master plan.

(9) To give aid to the city officials charged with the direction of projects for improvements embraced within the master plan, to further the making of such improvements and generally to promote the realization of the master plan.

(10) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.

(11) To cooperate with county and regional planning commissions and other agencies or groups to further the local planning program and to assure harmonious and integrated planning for the area.

(12) To exercise such other powers germane to the powers granted. by statute.

(f) In exercising its powers, the commission may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as necessary, and to that end has all the powers of the officer from whom the appeal is taken.

(g) A concurring vote of five members of the commission is necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the application on any matter upon which it is required to pass under any ordinance or to effect any variation of this chapter.

(h) The decision of the planning and zoning commission concerning an appeal from an alleged error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter, but not decisions of the commission concerning matters of city planning, may be reviewed by the district court upon appeal taken in the following manner: Any person or persons, jointly or severally aggrieved by any decision of the commission or any taxpayer or any officer, department, board or bureau of the city shall file written notice of appeal with the secretary of the commission within ten days after the decision has been entered on the commission's records, setting forth that the decision is illegal in whole or in part, specifying the grounds of the illegality. Within ten days after filing the notice of appeal with the secretary of the commission, the appellant shall file with the clerk of the district court a transcript consisting of the order, requirement, decision or determination of any administrative official charged with the enforcement of this chapter, and the commission's decision on the matter, together with a copy of this chapter and the record of the administrative officer and the commission, covering all their acts in the matter. Upon payment of the necessary fees therefor, the transcripts shall be furnished by the secretary of the commission, and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in the transcript. The fees shall be the same as the fees payable to the clerk of the district court on appeal to the supreme court in civil cases. At the time of filing the notice of appeal with the clerk of the district court, the appellant shall execute and file with the clerk of the district court a

sufficient bond in a penal sum of two hundred dollars; with at least two sureties, to be approved by the judge of the court, conditioned to prosecute the appeal without delay, and if unsuccessful, to pay all costs to which the city is put because of the appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds, as the necessity of the case may require. Within three days after the transcript is filed in the district court, the appellant shall give written notice to the city attorney and to the secretary of the commission that the transcript is filed. The notice shall set a time, not less than three days from the service thereof, for hearing and the district court shall, at that time or at a time fixed by order of the court or judge, hear and determine the appeal. If it appears to the court that testimony necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as it may direct and report to the court. The referee's findings of fact and conclusions of law shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or modify the decision brought up for review.

(i) Costs shall not be allowed against the commission, unless it appears to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. Any costs allowed by the court against the commission shall be paid by the city.

(j) All issues in any proceeding under this section have preference over all other civil actions and proceedings.

(k) The judgment of the court shall conform, correct, modify or annul the decision appealed from, insofar as it affects the appellant or his property. A certified copy of the judgment of the court shall be filed with the clerk of the commission, and he shall modify and correct the decision in accordance with that judgment. An appeal shall lie to the supreme court from the judgment of the district court, as in other cases. The appeal shall be taken within fifteen days after the date of entry of the judgment in the district court. The record and opening brief of the appellant shall be filed with the supreme court within sixty days after the appeal has been taken by notice as provided in this section. The time for filing the record, service and filing of briefs may be extended by order of the district court, or by stipulation of the parties concerned. The supreme court may correct, change, modify, confirm or annul the decision of the administrative officer, the commission or the district court, insofar as it affects the appellant or his property. A certified copy of the order of the supreme court shall be filed with the secretary of the commission, who shall modify and correct the decision of the commission in accordance with that decision. (1960 Comp. Ords., § 26-104; Ord. No. 74-16, § 1; Ord. No. 80-7, § 2; Ord. No. 85-1, § 2; Ord. No. 87-3 § 6(part); Ord. No. 99-11 § 1.)

Sec. 35-17. Interpretation of chapter and variances.

In interpreting and applying the provisions in this chapter, they shall be held to be the minimum requirements for the protection of health, safety, morals, comfort, convenience, or the general welfare. In case of conflict between this chapter and any other laws and covenants that exercise control over the same feature, the more stringent regulation shall apply.

Sec. 35-18. Boundaries of districts.

A zoning map of the districts in the city dated January 15, 1973, and as it may be hereafter amended, is specifically made a part of this chapter and incorporated herein by reference. Unless otherwise indicated on the zoning district map, the district boundary lines are street or alley lines. Where the district boundary lines are not shown to be street or alley lines, and where the property has been divided into lots and blocks, the district boundary lines shall be determined by marked distances or by the use of the scale of the zoning district map herein described. (1960 Comp. Ords., § 26-116; Ord. No. 73-1; Ord. No. 80-7, § 2; Ord. No. 86-5, § 2; Ord. No. 87-3 § 6(part).)

Sec. 35-19. Changes and amendments.

The city council may by ordinance at any time, on its own motion or petition or upon the recommendations by the planning and zoning commission, amend, supplement or change the regulations or districts herein or subsequently established; provided, however, that a public hearing shall first be held in relation thereto, after one publication of notice of the time, place and purpose of such hearing, in an official newspaper, at least fifteen days prior to such hearing.

If there is a protest against any change signed by the owners of twenty percent or more of the area of the lots included in the proposed change, or of those immediately adjacent within a distance of one hundred forty feet, the amendment shall not become effective except upon the affirmative vote of three-fourths of all the members of the city council. In determining the one hundred forty feet, the width of any intervening street or alley shall not be included. The provisions for public hearings and notice apply to all changes or amendments.

Whenever the owners of more than fifty percent of the frontage in any proposed new district shall present to the council a petition duly signed and acknowledged, requesting an amendment to the districts map, the council shall act upon such petition within ninety days after the filing thereof. (1960 Comp. Ords., § 26-115; Ord. No. 86-5, § 2; Ord. No. 87-3, § 6(part).)

Sec. 35-20. Penalty.

Any person who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of, any of the provisions of this chapter, shall be guilty of a misdemeanor and upon conviction, be punished as provided in section § 1-11. Each day that a violation is permitted to exist after notice has been given by the building inspector shall constitute a separate offense. (1960 Comp. Ords., § 26-118; Ord. No. 80-7, § 2; Ord. No. 86-5, § 2; Ord. No. 87-3 § 6 (part).)

Cody City Code

Chapter 36

OIL EXPLORATION AND PRODUCTION

§ 36-1. Compliance with chapter.
§ 36-2. Definitions.
§ 36-3. Drilling permit and drill site development plans.
§ 36-4. Inspections.
§ 36-5. Adoption of state rules and regulations; rubbish, litter, etc.; return of land to original topography.
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§ 36-8. Annual inspection permit; permit and inspection fees.
§ 36-9. Compliance with state rules and regulations.
§ 36-10. Zoning.
§ 36-11. Additional conditional and requirements.
§ 36-12. Penalties.

Sec. 36-1. Compliance with chapter.

It shall be unlawful and an offense for any person to do or perform, or cause to be done or performed, any work or labor of any kind upon or in connection with the drilling or producing of oil, gas or other petroleum substances within the corporate limits, except as permitted under the provisions of this chapter. (Ord. No. 81-10, § 3.)

Sec. 36-2. Definitions.

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

Blow-out preventer. Well equipment, as defined by and required by the state oil and gas commission, for installation on a well.

City inspectors. All officers of the city who have responsibility for enforcing this chapter, or their duly authorized representatives.

City council. The city council of Cody, Wyoming.

City planning and zoning commission. "City planning and zoning commission" shall include those persons appointed by the mayor to serve on such commission.

Disposal well. Any well drilled or actually used for injection of saltwater or other substances into the earth at a point other or different than the point of extraction or production thereof from the earth, such disposal well to be located outside the city limits.

Drilling. Boring a hole in the earth for the purposes of exploring for, developing or producing petroleum. "Drilling" includes all operations through the completion of a well.

Drilling site. The premises used during the drilling, maintaining, operating and producing of a well or wells located thereupon

Well. An oil well, gas well, injection well or disposal well, as defined by the Wyoming Conservation Law. (Ord. No. 81-10, § 3.)

Sec. 36-3. Drilling permit and drill site development plans.

(a) Drilling permit--Required. Subsequent to May 4, 1981, it shall be unlawful and an offense for any person to drill or to maintain and operate any oil, gas or disposal well within the corporate limits, without first having secured a permit to do so as hereinafter provided.

(b) Same--Application; transfer; permittee to assume risks. Every person desiring to drill or to maintain and operate any oil, gas or disposal well within the city shall file an application therefor, in writing, upon the form required by the city and signed by the applicant or his agent authorized to sign the same. such application shall specify the well location with reference to a known bench mark and the quarter section, section township and range A copy of the well survey, as prepared by a land surveyor registered in the state and registered with the state oil and gas commission will be submitted with the application.

(1) Should a change in ownership of the oil, gas or disposal well occur after a drilling permit has been issued, the drilling permit as issued shall be considered to be transferable to the person purchasing and taking over operation of the oil, gas or disposal well; provided, that such person meets and complies with the provisions of this chapter, to include, but not be limited to, those provisions relating to bonds and insurance required in section 36-7.

(2) The city is not a guarantor of the competence of the permittee as to drilling operations. Such permit is not an expression by the city that such proposed oil operation can be done with safety to the operator or other persons or property, all of which such risks are assumed by the permittee.

(c) Drill site development plans. In the interest of protecting the health, safer and welfare of the inhabitants of the city, and in order to protect the quality of residential life within the city, the city shall not issue a

drilling permit, as defined by this section, until the city council has reviewed and approved the drill site development plan in accordance with the following regulations:

(1) The person making application shall prepare and submit to the city two drill site development plans, the first of which shall be a drill site development plan covering and including that phase of the oil well operation including drilling operations, and the second of which shall cover the completed or producing well phase and which site development plans shall contain the following information:

(a) Written legal description.

(b) Scale drawing of the property and appropriate dimensions.

(c) Scale, north arrow, date and legend.

(d) Name, address and telephone number of property owner and applicant.

(e) Location and size of existing easements, utilities and rights-of-way.

(f) Location and dimension of all vehicular entrances, exits and drives.

(g) General drainage system.

(h) Size of site.

(i) Location of all physical facilities, to include proposed wells, structures. portable toilets and relationship to all buildings within a six hundred sixty feet radius.

(j) A statement describing all pollution prevention equipment to be utilized; it shall be the policy of the city to require blow-out prevention devices on every drilling operation covered hereunder.

(k) Location of all drilling mud pits.

(2) The city council shall hold an official public hearing, giving at least seven days' notice of such public hearing, the purpose of which public hearing shall be for review and consideration of approving or denying the drill site development plan as submitted. At the time of such public hearing, the city council shall have the authority, when in the interests of the public peace, health and safety, to amend the plan as originally submitted. The drill

site plan shall then be considered to be approved as amended or denied, and containing those additional restrictions and regulations as placed on the plan by the city council.

(3) The land within the area covered by the drill site development plan shall be developed only in accordance with the drill site development plan as finally approved by the city council. Any change, erasure, modification, revision or deviation from that plan shall be considered invalid and a violation of the provisions of this chapter, unless such change, erasure, modification, revision or deviation shall have first been submitted to the city and approved according to the above procedure. It is further provided that should a change in property ownership occur after approval of the drill site development plan, the drill site development plan as approved by the city council shall he honored and maintained in its entirety.

(4) Prior to operation and maintenance thereof, the person having made application shall prepare and submit to the city a second drill site development plan, which shall cover the completed or producing well phase of the well operation, and which drill site development plan may be the original drill site development plan as submitted to the city with amendments made thereto or may be a new and original drill site development plan; however, in either case, such drill site development plan shall contain the following information:

(a) Location of flowline and pipeline rights-of-way to be used.

(b) Specifications and location of pipe to be used for oil, gas or water lines.

(c) Location of ingress and egress to be utilized by the applicant, and to include all vehicular entrances, exits and drives.

(d) Type of screening device or construction that will be utilized to minimize, as is reasonable, the visual impact of aboveground devices--The proposed fencing, gates and security to be installed or used to discourage access to the site.

(e) The location and size, which shall be no more than twenty-four inches by thirty inches, of a sign which shall contain the name address and emergency phone number of the oil producing company, the responsible person or organization, and which sign shall be posted at the drilling site for use in any emergency notice which might arise.

(5) The planning and zoning commission shall within seven days of receipt, review and consider the second drill site development plan as considered. The planning and zoning commission shall upon receipt of the second drill site development plan, inform all adjacent property owners of the filing of the second drill site development plan. At the time of such consideration, the planning and zoning commission shall have the authority, when in the in-

terests of the public peace, health and safety, to amend the plan as originally submitted prior to granting their approval. The site development plan shall then be considered to be approved as amended, and containing those additional restrictions and regulations as placed on the plan by the planning and zoning commission. The site development plan shall then be considered to be approved as amended, unless a protest is filed with the city building inspector within seven days of the decision complained of, in which case the protestant shall have the right to appeal to the city council.

(6) The filing of the second drill site development plan shall not be required of wells in operation prior to May 4, 1981.

(7) If both the first drill site development plan and the second drill site development plan are submitted at the same time, both plans shall be considered by the city council at the same public hearing. (Ord. No. 81-10, § 3.)

Sec. 36-4. Inspections.

For the purposes of this chapter, the city or its authorized representatives may inspect any well operation at any time after issuance of a drilling permit for the purposes of insuring conformance with the requirements of this chapter. Any applicant for a drilling permit hereunder shall be deemed to have granted the agents of the city the right of entry at their sole risk onto those properties covered by the drilling permit for the purposes of carrying out the inspections as required by the city, which shall be made by the city or an authorized representative of the city and which shall be:

(1) An inspection to be made during the drilling operations, which inspection shall cover those facets of the drilling operations covered by the drilling operation site plan.

(2) An inspection during the producing or injection operation, which inspection shall cover those facets of the drilling operations covered by the drilling operation site plan.

(3) An inspection following abandonment of the well and removal of the well equipment, which inspection shall be to insure that the land is returned as nearly as practicable to its previous original topography. (Ord. No. 81-10, § 3.)

Sec. 36-5. Adoption of state rules and regulations; rubbish, litter, etc.; return of land to original topography.

(a) There are hereby adopted by the city the Rules and Regulations of the Wyoming Oil and Gas Conservation Commission, of which not less than one copy has been and now is filed in the office of the city clerk, and the same are hereby adopted and incorporated as fully as if set out at length herein.

(b) The premises upon which any oil, gas or disposal well is drilled, operated or maintained shall be kept free of all accumulations of rubbish, litter, unused equipment or discarded materials and other wastes, insofar as the same may be reasonably done in the conduct of operations covered by this chapter.

(c) All lands upon which a drilling operation is or has been operated within a reasonable length of time, not to exceed one year, shall be returned, as nearly as practicable, to the previous original topography and natural state, unless the applicant has paid damages for removal for anything other than ground cover, in which case the applicant must, in lieu of returning the land to its natural state and topography, provide ground cover in the interests of abating erosion thereof. (Ord. No. 81-10, § 3.)

Sec. 36-6. Spacing requirements.

(a) No well or drilling operation shall be located, drilled or operated within four hundred feet of any occupied residential dwelling unit located within any residentially zoned district. In all other zoning districts of the city, no well or drilling operation shall be located, drilled or operated within two hundred feet of any existing occupied structure. It is further provided, however, that in the event permission is secured from one hundred percent of the owners thereof, which permission or approval shall be evidenced by the signing of a petition consenting to the drilling, operating and location of such well, which petition shall be filed with the first drill site development plan, such well in that case may not be located closer than one hundred fifty feet from any of the above named structures.

(b) No well shall be drilled, operated or maintained, nor shall any operations in connection therewith be carried on or conducted, within six hundred sixty feet of any public school or hospital building within the city, unless the governing body owning such structure consents in writing to a lesser distance, which distance may be set by such governing body. (Ord. No. 81-10, § 3.)

Sec. 36-7. Insurance and bond.

At the time of filing an application for a drilling permit as required by this chapter, the applicant shall file with the city clerk a copy of the certificate of insurance issued by some corporate insurance company licensed to do business within the state, evidencing current insurance of the owner, his driller, agents and employees, conditioned for the payment of all damages due to injury to persons or damage to property resulting from the drilling, operation or maintenance of the proposed well or any structure, machinery, equipment, pipe-lines or appurtenances used in connection therewith, in an amount not less than five hundred thousand dollars, Such policy shall further provide that it cannot be cancelled until thirty days' written notice of such cancellation shall have been given to and filed with the city clerk. Such applicant shall further deposit

with the city clerk cash or a corporate surety bond in the sum of ten thousand dollars, executed by some insurer licensed to assure restoration of the land and plugging of such well upon its abandonment according to the rules and regulations and under the supervision of the state oil and gas conservation commission and pursuant to this Code and other ordinances of the city. Such sum shall be forfeited to the city in the event of any substantial violation or noncompliance by the owner or driller, or his agents or employees, with the provisions of this chapter pertaining to the abandonment of such well; otherwise the same shall be refunded or returned in full to such applicant upon abandonment of the well operation. (Ord. No. 81-10, § 3.)

Sec. 36-8. Annual inspection permit; permit and inspection fees.*

(a) Annual inspection permits for the operation and maintenance of all completed and operating oil and gas wells, now existing or hereafter drilled, are hereby required and shall be issued upon the payment of the annual inspection fee provided for herein. Such annual inspection fee shall be paid on or before January 1 of each year of operation after the issuance of the drilling permit, or if no such permit was required or obtained, within sixty days after the effective date of this chapter. Fees for the drilling of an oil or gas well and for annual inspections shall be as follows:

(1) Permit for the drilling of an oil or gas well	$400.00
(2) Annual inspection fee for an oil or gas well	50.00

(b) Upon payment of the annual inspection fee and upon meeting the drill site development requirements contained in section 36-3, if such drill site development plan is required, the city clerk shall issue the annual permit required by this section. (Ord. No. 81-10, § 3.)

* Editor's note. Ordinance No. 81-10, from which this chapter is derived, was adopted and ordered published on May 4, 1981, to become effective upon such final passage and publication.

Sec. 36-9. Compliance with state rules and regulations.

The applicant for a drilling permit or annual inspection permit, the drilling contractor and their agents or employees shall comply with all orders, rules and regulations of the state oil and gas conservation commission where applicable, including but not limited to all rules and regulations of such commission with respect to drilling, plugging and abandonment of such wells. (Ord. No. 81-10, § 3.)

Sec. 36-10. Zoning.

Oil, gas or disposal wells shall be permitted as a matter of right in all zones within the city, with respect to the requirements imposed by the Zoning Ordinance. (Ord. No. 81-10, § 3.)

Sec. 36-11. Additional conditions and requirements.

In addition to the conditions applying to oil well drilling operations contained herein, the city council hereby declares that, in the interest of protecting the people of the city and the use and enjoyment of their property and providing for their comfort, health, safety and general welfare, the following conditions and restrictions are adopted:

(a) All well operations which are placed upon the pump shall be powered by electricity so long as electricity is available. If electricity is not available, a muffled engine will be used. All permanent equipment shall be painted, where possible and kept in a neat condition. All production operations shall be as free from noise as possible, with the installation of such equipment as available at the time of permit approval.

(b) All well and equipment work, excluding drilling or service rig operation, shall be conducted in a manner to minimize noise.

(c) An internal combustion engine or electrical equipment may be used in the drilling or pumping operations of the well, and if an internal combustion engine is used, mufflers shall be installed on the mud pumps and engine so as to reduce noise to a minimum.

(d) All well work, excluding drilling operations, will be confined to the hours of 7: 00 A.M. to 9: 00 P.M., except in the case of an emergency.

(e) No sign shall be constructed, erected, maintained or placed on the premises or any part thereof, except those required by law or this chapter to be displayed in connection with the drilling, maintenance or operation of the well.

(f) The site shall be landscaped to screen the aboveground structures from the vision of people on adjacent or surrounding premises. (Ord. No. 81-10, § 3.)

Sec. 36-12. Penalties.

Any person who violates any of the provisions of this chapter shall, upon conviction, be fined in a sum not to exceed two hundred dollars. Each day such violation is committed or continues to exist shall constitute a separate offense and is punishable as such. In addition, violation of any of the provisions hereof shall be a basis for injunction at the suit of the city or at the suit of any person adversely affected thereby. (Ord. No. 81-10, § 3.)

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