TOWN CODE
of
ELK MOUNTAIN WYOMING
2008

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PREFACE

This town code of the town of Elk Mountain contains ordinances up to and including ordinance 05-02, passed April 11, 2005. Ordinances of the town adopted after said ordinance supersede the provisions of this town code to the extent that they are in conflict or inconsistent therewith. Consult the town office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

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CHAPTER 1 OFFICIAL TOWN CODE

SECTION:

1-1-1: Title
1-1-2: Acceptance
1-1-3: Amendments
1-1-4: Code Alterations

1-1-1: TITLE: Upon adoption by the town council, this code is hereby declared to be and shall hereafter constitute the official town code of Elk Mountain. This code of ordinances shall be known and cited as the ELK MOUNTAIN TOWN CODE and is hereby published by authority of the council and shall be supplemented to incorporate the most recent legislation of the town as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this code by title in any legal document. (1970 Code § 1-1; amd. 2008 Code)

1-1-2: ACCEPTANCE: The town code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the town of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2008 Code)

1-1-3: AMENDMENTS: Any ordinance amending the town code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers, and the ordinance material shall be prepared for insertion in its proper place in each copy of this code. Each such replacement page shall be properly idemtified and shall be inserted in each individual copy of the town code. (2008 Code)

1-1-4: CODE ALTERATIONS: It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official

instructions when so authorized by the town council. The town clerk-treasurer shall see that the replacement pages are properly inserted in the official copies maintained in the office of the clerk-treasurer. Any person having custody of a copy of the town code shall make every effort to maintain such code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the town clerk-treasurer. Such code books, while in actual possession of officials and other interested persons, shall be and remain the property of the town and shall be returned to the office of the town clerk-treasurer when directed so to do by order of the town council. (2008 Code)

CHAPTER 2 SAVING CLAUSE

SECTION:

1-2-1: Repeal Of General Ordinances
1-2-2: Public Ways And Public Utility Ordinances
1-2-3: Repeal Of Repealers
1-2-4: Court Proceedings
1-2-5: Severability Clause

1-2-1: REPEAL OF GENERAL ORDINANCES: All general ordinances of the town passed prior to the adoption of this code are hereby repealed, except such as are included in this code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the town; and all special ordinances. (2008 Code)

1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES: No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this code or by virtue of the preceding section, excepting as this code may contain provisions for such matters, in which case, this code shall be considered as amending such ordinance or ordinances with respect to such provisions only. (2008 Code)

1-2-3: REPEAL OF REPEALERS: The repeal of an ordinance which repeals a former ordinance or provision of this code shall not revive the former ordinance or provision of this code unless expressly so provided. (1970 Code § 2-22)

1-2-4: COURT PROCEEDINGS:

A. Prior Acts: No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed

against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

B. Extend To All Repeals: This section shall extend to all repeals, either by express word or implication, whether the repeal is in the ordinance making any new provision upon the same subject or in any other ordinance.

C. Currently Pending Actions: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the time of the adoption of this code. (2008 Code)

1-2-5: SEVERABILITY CLAUSE: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof. The town council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1970 Code § 1-4; amd. 2008 Code)

CHAPTER 3 DEFINITIONS

SECTION:

1-3-1: Construction Of Words
1-3-2: Definitions, General
1-3-3: Catchlines

1-3-1: CONSTRUCTION OF WORDS:

A. Whenever any word in any section of this code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.

B. The word "ordinance" contained in the ordinances of the town has been changed in the content of this code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the town's ordinances is not meant to amend passage and effective dates of such original ordinances. (2008 Code)

1-3-2: DEFINITIONS, GENERAL:

In the construction of this code and of all ordinances of the town, 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:

ADMINISTRATIVE OFFICIAL: The board, commission, committee, officer, agent or employee of the town charged by the governing body with the administration, enforcement or both the administration and enforcement of the particular provisions of this code in which the term is used.

AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

CODE: The municipal code of the town of Elk Mountain.

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 unless the last day is a Saturday, Sunday or legal holiday, in which case, the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday.

COUNCIL: Unless otherwise indicated, the town council of the town of Elk Mountain shall consist of the mayor and four (4) council persons, all of whom are elected to office.

COUNTY: Carbon County, in the state of Wyoming, in which the town of Elk Mountain is located.

EMPLOYEES: Whenever reference is made in this code to a town employee by title only, this shall be construed as though followed by the words "of the town of Elk Mountain".

GENDER: A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.

GOVERNING BODY: The elected legislative body of the municipality.

JOINT AUTHORITY: All words giving a joint authority to three (3) or more persons shall be construed as giving such authority to a majority of such persons.

KNOWINGLY: The term, when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law or to injure another or to acquire any advantage.

LAND, REAL ESTATE, AND REAL PROPERTY: Include lands, tenements, hereditaments, water rights, possessory rights and claims.

LICENSE: The permission granted for the carrying on of a business, profession or occupation.

MONTH: A calendar month.

MUNICIPALITY OR MUNICIPAL: The town of Elk Mountain.

NEGLECT, NEGLIGENCE, NEGLIGENT AND NEGLIGENTLY: Impart a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

NUISANCE: Anything offensive to the sensibilities of reasonable

persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the town, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the community.

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".

OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

OFFICERS: Whenever reference is made in this code to a town officer by title only, this shall be construed as though followed by the words "of the town of Elk Mountain". The word "officer" shall include officers and boards in charge of departments and the members of such boards.

OPERATOR: The person who is in charge of any operation, business or profession.

OWNER: When applied to a building or land, shall include not only the owner of the whole but also any part owner, joint owner, tenant in common or joint tenant of the whole or 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 town of Elk Mountain.

PERSON: Any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, fraternal organization, company, corporation, business, trust, or their manager, lessee, agent, servant, officer, or employee or any of them.

PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

PRECEDING, FOLLOWING: The next before and next after, respectively.

PROPERTY: Includes both real and personal property.

REAL PROPERTY: Includes lands, tenements and hereditaments.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

SHALL/MAY: The word "shall" is mandatory and the word "may" is permissive.

SIDEWALK: Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

SIGNATURE: Includes any name, mark or sign written with the intent to authenticate any instrument or writing.

STANDARD TIME: When any time is specified in this code, it shall mean standard time, as distinguished from solar time, and the words "midnight" or "noon" shall be taken to be midnight or noon standard time.

STATE: The state of Wyoming.

STATE LAW: The Wyoming Statutes.

STREET: Shall mean and include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the town of Elk Mountain.

TENANT; OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

TOWN: The town of Elk Mountain, county of Carbon, state of Wyoming.

WHOLESALER: The terms "wholesaler" and "wholesale dealer" as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING: Includes printing, lithographing or modes of representing words and letters; provided, that in all cases where the written signature of a person is required, the proper handwriting of such person, or his mark, shall be required.

YEAR: A calendar year. (1970 Code § 1-2; amd. 2008 Code)

1-3-3: CATCHLINES: The catchlines of the several sections of this code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (1970 Code § 1-3; amd. 2008 Code)

CHAPTER 4 GENERAL PENALTY

SECTION:

1-4-1: General Penalty
1-4-2: Application Of Provisions
1-4-3: Actions For Penalties Or Fines
1-4-4: Liability Of Officers

1-4-1: GENERAL PENALTY (1):

1. See WS §§ 5-6-301, 6-10-103, 15-1-103(a)(xli). See WS § 6-10-105 for commitment for refusal to pay fine or costs; rate per day.

A. General Penalty: Whenever in this code, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code 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 such ordinance shall be punished by a fine not exceeding seven hundred fifty dollars ($750.00), or imprisonment not exceeding six (6) months, or both; provided, however, that no penalty shall be greater than the penalty provided for the same or a similar offense under the laws of the state.

B. Continuing Violation: Except as otherwise provided, each day any violation of this code continues shall constitute a separate offense. (1970 Code § 1-5; amd. 2008 Code)

1-4-2: APPLICATION OF PROVISIONS:

A. The penalty provided in this chapter, unless otherwise provided, shall be applicable to every section of this code the same as though it were a part of each and every separate section.

B. In all cases where the same offense is made punishable or is created by different clauses or sections of this code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

C. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this

code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply. (2008 Code)

1-4-3: ACTIONS FOR PENALTIES OR FINES:

A. Brought In Corporate Name: All actions brought to recover any penalty or fine shall be brought in the corporate name of the town.

B. Disposition Of Recoveries: The recoveries, when collected, shall be paid into the treasury of the town. (1970 Code § 1-6)

1-4-4: LIABILITY OF OFFICERS: No provision of this code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the town council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (2008 Code)

CHAPTER 5 CORPORATE AND OFFICIAL PROVISIONS

SECTION:

1-5-1: Corporate Seal
1-5-2: Ordinances

1-5-1: CORPORATE SEAL (1):

A. Adopted: A seal the impression of which shall be as follows: In the center, the words "Corporate Seal" and around the outer edge, the words "Town of Elk Mountain, State of Wyoming" shall be and the same is hereby adopted and declared to be the seal of the town of Elk Mountain. (Ord. 1, 10-4-1909)

B. Use Of Seal: The town seal shall be affixed to all vouchers, licenses, contracts, deeds, resolutions, ordinances, minutes of the governing body and all other papers which are signed by the mayor and attested by the town clerk-treasurer. (1970 Code § 1-7)

1-5-2: ORDINANCES (2):

A. Numbering: Each ordinance passed by the governing body shall be systematically identified by a number assigned to such ordinance pursuant to a systematic numbering system adopted by the governing body. The numbering system so adopted shall reflect the sequence of adoption of all the town's ordinances from the implementation of such numbering system and shall assign a particular number to only one ordinance. (1970 Code § 2-23)

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1. WS § 15-H03(a}(ii).
2. WS §§ 15-1-114 through 15-H 17.

B. Amendment Or Repeal Of Code Provisions: The amendment or repeal of existing provisions of this code or the insertion of additional provisions in this code shall be done in the following manner:

1. Amending: Ordinances amending existing sections shall designate, by section number, the sections which are affected and set out in full the new language of each such section.

2. Repealing: Ordinances repealing existing sections shall designate, by section number, the sections which are

repealed.

3. Insertions: Ordinances adding sections to the code shall designate where such sections are to be inserted. (1970 Code § 2-21; amd. 2008 Code)

CHAPTER 6 TOWN COUNCIL MEETINGS (1)

SECTION:

1-6-1: Regular Meetings
1-6-2: Special Meetings
1-6-3: Adjourned Or Recessed Meetings
1-6-4: Presiding Officer
1-6-5: Open Meetings
1-6-6: Attending Public
1-6-7: Executive Sessions
1-6-8: Disruption
1-6-9: Journal

1-6-1: REGULAR MEETINGS: Regular meetings of the governing body shall be held each month on the second Monday at the time designated by the governing body which is the hour of seven thirty o'clock (7:30) P.M.; provided, that in all instances that such day is observed as a legal holiday for municipal offices, the regular meeting of the governing body shall be held on the following day. Meetings shall be held in the council chambers of the town hall. (1970 Code §§ 2-1(c), 2-16)

1-6-2: SPECIAL MEETINGS: Special meetings of the governing body may be called from time to time by the presiding officer of the governing body or any two (2) members of the governing body. The subject for the special meeting shall be submitted to the governing body, in writing, and the disposition thereof entered upon the journal of the governing body by the town clerk-treasurer. The action of the governing body at each special session shall be confined to the subject submitted in writing to the governing body. (1970 Code § 2-17)

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1. WS §§ 16-4-401 through 16-4-407.

1-6-3: ADJOURNED OR RECESSED MEETINGS: Adjourned or recessed meetings of the governing body may be held at such time as the governing body may determine. (1970 Code § 2-18)

1-6-4: PRESIDING OFFICER: The mayor shall preside at all meetings of the governing body; and, in his absence, a council person shall be appointed by the governing body to act as mayor pro tem. (Ord. 53, 3-12-1984; amd. 2008 Code)

1-6-5: OPEN MEETINGS: All meetings of the governing body and all other boards, commissions and agencies of the town shall be

open to the public at all times, except as provided in sections 1-6-6 and 1-6-7 of this chapter. No action of such a body shall be taken except during a public meeting. (1970 Code § 2-1)

1-6-6: ATTENDING PUBLIC: A member of the public shall not be required, as a condition of attendance at any meeting, to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance except that a person seeking recognition may be required to give his name and affiliation. (1970 Code 2-1)

1-6-7: EXECUTIVE SESSIONS: Executive sessions, not open to the public, of the governing body and all other boards, commissions and agencies of the town may be held:

A. With the prosecuting attorney, town attorney, chief of police or their respective deputies, or other officers of the law, on matters posing a threat to the security of public or private property or a threat to the public's right of access;

B. To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer, unless the employee, professional person or officer requests a public hearing. The governing body may exclude from any public or private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive session, the governing body may deliberate on its decision in executive sessions;

C. On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party;

D. When the agency is a licensing agency while preparing, administering or grading examinations;

E. To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;

F. To consider acceptance of gifts, donations and bequests which the donor has requested, in writing, be kept confidential;

G. To consider or receive any information classified as confidential by law;

H. To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all such negotiations. (1970 Code § 2-2)

1-6-8: DISRUPTION: If any public meeting is wilfully disrupted by a person or group of persons so as to render the orderly conduct of the meeting unfeasible and order cannot be restored except by the removal of the person or persons who are wilfully interrupting the meeting, the removal of such person or group from the meeting room may be ordered and the meeting continued, or the meeting may be recessed and reconvened at another location. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location. Procedures for readmitting an individual or individuals not responsible for disturbing the conduct of a meeting shall be established by the body conducting such meeting. Duly accredited members of the press or other news media, except those who participated in a disturbance, shall be allowed to attend any meeting permitted by this section. (1970 Code § 2-3)

1-6-9: JOURNAL: It shall be the duty of the town clerk-treasurer to keep the journal of the governing body. The clerk-treasurer shall, within twelve (12) days after the adjournment of any regular or special meeting of the governing body, furnish the legal newspaper a copy of the proceedings of such meeting for publication. Such copy shall include every bill presented to the governing body showing the amount of the bill, the amount allowed, what the bill was for and by whom claimed. In addition, the clerk-treasurer shall be responsible for the safekeeping of such journal providing for the exhibition of such journal to the public when so requested. (1970 Code § 2-20; amd. 2008 Code)

CHAPTER 7 TOWN OFFICERS AND EMPLOYEES

SECTION:

1-7-1: Appointment
1-7-2: Salaries
1-7-3: Bonds

1-7-1: APPOINTMENT: There shall be appointed by the mayor, with the approval of the council, a clerk, treasurer, attorney and municipal judge. The clerk and treasurer may be the same person. After assuming office, the appointed officers shall serve until their successors are appointed by the mayor and approved by the council. (Ord. 05-02, 4-11-2005)

1-7-2: SALARIES:

A. Mayor And Council (1): The salary of the mayor and council persons shall be set by the aforementioned governing body and shall be changed from time to time as deemed necessary. Changes in salary shall be made at a regularly scheduled public meeting and recorded in the minutes.

B. Employees: The salary of the clerk-treasurer and all other municipal employees of the town shall be set by the governing body and shall be changed from time to time as deemed necessary. (1970 Code § 2-4)

1-7-3: BONDS: The various officers of the town shall, upon assuming their office, give a bond to the town with sufficient sureties, conditioned for the faithful performance of their duties as required by law. The bond shall be in the following sums:

1. WS § 15-2-103.

A. Clerk-Treasurer (1): The bond of the clerk-treasurer shall be in the sum of twenty thousand dollars ($20,000.00).

B. Municipal Judge (2): The bond of the municipal judge shall be in the sum of one thousand five hundred dollars ($1,500.00). C. Town Marshal: The bond of the town marshal shall be in the sum of one thousand dollars ($1,000.00). (1970 Code § 2-5; amd. 2008 Code)

1. WS § 15-1-124.
2. WS § 5-6-105.

CHAPTER 8 FINANCES

1-8-1: Fiscal Year
1-8-2: Bonds

1-8-1: FISCAL YEAR: The fiscal year of the town shall commence on July 1 in each and every year. (1970 Code § 2-11)

1-8-2: BONDS:

A. Copy On File: At least one copy of each ordinance providing for submission to the people for a vote on the question of issuing town bonds and each ordinance providing for the issuance of town bonds shall be kept on file in the office of the town clerk-treasurer. The copy shall remain on file during the period of bond indebtedness.

B. Adopted By Reference: Each ordinance providing for submission to the people for a vote on the question of issuing town bonds and each ordinance providing for the issuance of town bonds is hereby incorporated in this section as fully as if set out at length herein. The provisions hereof shall be controlling within the town during the period of bond indebtedness. (1970 Code § 23-1)

CHAPTER 9 EMERGENCY MANAGEMENT

SECTION:

1-9-1: Creation Of Organization
1-9-2: Initiation Of Action
1-9-3: Operations Plan
1-9-4: Rules And Regulations
1-9-5: Emergency Operation Center
1-9-6: Line Of Authority
1-9-7: Coordinator
1-9-8: Agents

1-9-1: CREATION OF ORGANIZATION}: There is hereby created the town emergency management organization which shall be governed by a council consisting of the mayor and town council members. The chairman of the council shall be the mayor. The vice chairman shall be the council president. The council will become an integral part of the county emergency management council during a countywide disaster. (1970 Code § 10-1)

1-9-2: INITIATION OF ACTION: The primary responsibility for initiating action at the time of an emergency or disaster rests with the elected government of the town. A declaration of an emergency and subsequent assistance requests during or on account of an emergency or disaster in the town will be honored only when the emergency is declared by the chief elected official and/or emergency council. (1970 Code § 10-2)

1-9-3: OPERATIONS PLAN: The Elk Mountain emergency council is empowered to prepare, review and recommend to the Carbon County emergency management council an emergency operations plan for the town. (1970 Code § 10-3)

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1. WS § 19-13-108

1-9-4: RULES AND REGULATIONS: It shall be the duty of the emergency council to promulgate such rules and regulations necessary for the efficient management and operation of the Elk Mountain emergency management organization. (1970 Code § 10-4)

1-9-5: EMERGENCY OPERATION CENTER:

A. Creation: The Elk Mountain emergency council shall designate a suitable location for the establishment of an

emergency operations center to include essential communications, operating equipment and, if practicable, fallout protection. (1970 Code § 10-5)

B. Location: The emergency operations center for the town shall be located in the town hall. Emergency situations may warrant the establishment of a point of operation at the scene of the disaster. (1970 Code § 10-6)

1-9-6: LINE OF AUTHORITY: The succession of authority within the Elk Mountain emergency council will be:

A. Mayor.

B. Council president.

C. Council person.

D. Council person.

E. Council person. (1970 Code § 10-7)

1-9-7: COORDINATOR:

A. Recommendation; Appointment: The Elk Mountain emergency council shall recommend to the governor of Wyoming a person to serve as coordinator for the council who shall serve at the pleasure of the council and the governor. (1970 Code § 10-8)

B. Powers And Duties: The coordinator is hereby empowered and directed:

1. To prepare a local emergency operating plan for the town and assist in the development of a countywide emergency operations plan.

2. To assist in the coordination of emergency responsibilities and functions of other departments, industry and citizens of the town.

3. To execute directives and policies established by the town emergency council.

4. To coordinate training, planning, management and operational activities with the county emergency management department. (1970 Code § 10-10)

1-9-8: AGENTS: The Elk Mountain emergency council will, with the

consent of the governor, designate agent(s) to receive services, equipment, funds, etc., offered by federal/state grant or loan and other donors. (1970 Code § 10-9)

TITLE 2 BOARDS AND COMMISSIONS

Subject ..... Chapter

Planning Commission 1
High Country Joint Powers Board 2

CHAPTER 1 PLANNING COMMISSION (1)

SECTION:

2-1-1: Composition; Appointment; Term
2-1-2: Compensation
2-1-3: Employees And Staff
2-1-4: Rules And Regulations
2-1-5: Appeal From Commission Decisions
2-1-6: Power Beyond Town Limits

2-1-1: COMPOSITION; APPOINTMENT; TERM: Three (3) members shall constitute the membership of the planning commission who shall be appointed by the mayor with the concurrence of a majority of the council for staggered terms of three (3) years' duration. The first members shall be appointed for one, two (2) and three (3) years respectively and thereafter their replacements shall be appointed for the full three (3) year term. (1970 Code § 2-24)

2-1-2: COMPENSATION: The members of the commission shall draw no compensation other than actual expenses incurred for commission business. (1970 Code § 2-24)

2-1-3: EMPLOYEES AND STAFF: The commission may appoint employees and staff necessary for its work, and may contract with city planners and other consultants, including any appropriate agencies or departments of the state of Wyoming, for such service as it requires; provided, that the expenditures of the commission shall not exceed the amount of funds appropriated by the governing body or placed at its disposal through gifts, grants or otherwise which may be accepted by the commission on behalf of the town. (1970 Code § 2-24)

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1. WS § 15-1-501 et seq.

2-1-4: RULES AND REGULATIONS: The commission may adopt its own organizational rules and regulations, subject to the approval of the same by the governing body. (1970 Code § 2-24)

2-1-5: APPEAL FROM COMMISSION DECISIONS: Any action taken by such commission may be appealed by any aggrieved party within a reasonable time thereafter to the governing body of the town which may either affirm or reverse the commission's ruling and decision. The governing body's decision shall be final, except any aggrieved person may appeal the governing

body's decision to the district court of Carbon County where personal freedom or property rights are affected. (1970 Code § 2-25)

2-1-6: POWER BEYOND TOWN LIMITS: Planning work involving an area larger than the immediate boundaries of the town may be done by the commission through a member duly constituted as a representative working with similar representatives of other municipal, county, or state agencies. Any plans so developed must be approved and ratified by the town commission and the governing body before becoming effective and binding. When the plan involves territory outside the town, action shall be taken with the concurrence of the board of county commissioners of the county of Carbon and the Carbon County planning commission or other similar agency of Carbon County, together with other municipal governing bodies concerned. All other procedures and actions of the commission shall be carried out and done as prescribed by the laws of the state of Wyoming. (1970 Code § 2-26)

CHAPTER 2 HIGH COUNTRY JOINT POWERS BOARD

SECTION:

2-2-1: Created
2-2-2: Appointment Of Board Members
2-2-3: Execution
2-2-4: Amendment To Agreement

2-2-1: CREATED: Provided the towns of Hanna and Medicine Bow both situated in Carbon County, Wyoming, lawfully, by ordinance, authorize the creation of the high country joint powers board in the form, with the powers, for the purpose, and subject to the terms and conditions of the joint powers agreement attached to the ordinance codified herein on file in the office of the town clerk-treasurer as exhibit A and by this reference incorporated herein, the town of Elk Mountain hereby creates the high country joint powers board in the form, with the powers, for the purpose, and subject to the terms and conditions of the joint powers agreement attached to the ordinance codified herein as exhibit A and by this reference incorporated herein. The town of Elk Mountain shall appoint members to said joint powers board at the times, for the terms and in the manner set forth in such exhibit A. (Ord. 43, 1-12-1981)

2-2-2: APPOINTMENT OF BOARD MEMBERS: Appointments to the high county joint powers board, at the times and in the manner provided in exhibit A attached to the ordinance codified herein on file in the office of the clerk-treasurer and by this reference incorporated herein, shall be made from time to time by the mayor with the advice and consent of the town council. (Ord. 43, 1-12-1981)

2-2-3: EXECUTION: The mayor and town clerk-treasurer are hereby authorized and directed to execute the joint powers agreement forming the high country joint powers board in the form attached to the ordinance codified herein on file in the office of the clerk-treasurer as exhibit A and by this reference incorporated herein and thereby, subject to the terms and conditions of the ordinance codified herein, bind the town of Elk Mountain to said agreement. (Ord. 43, 1-12-1981)

2-2-4: AMENDMENT TO AGREEMENT: The towns of Hanna, Medicine Bow and Elk Mountain have previously entered into a joint powers agreement authorizing the creation of the high country joint powers board with the powers and for the purposes subject to the terms and conditions of that

agreement. Provided the towns of Hanna and Medicine Bow lawfully, by ordinance, authorize the amendment of the joint powers agreement in the form attached to the ordinance codified herein on file in the office of the clerk-treasurer as exhibit A, the mayor and town clerk-treasurer are hereby authorized and directed to execute the amendment to the joint powers agreement and bind the town of Elk Mountain to said amendment. (Ord. 47, 10-12-1981)

TITLE 3 BUSINESS AND LICENSE REGULATIONS

Subject ..... Chapter

Alcoholic Beverages 1
Peddlers 2

CHAPTER 1 ALCOHOLIC BEVERAGES (1)

SECTION:

3-1- 1: Definitions
3-1- 2: License Required
3-1- 3: Fraternal Clubs
3-1- 4: Malt Beverage Permit; Fee
3-1- 5: Persons Ineligible For Retail Licenses
3-1- 6: Application
3-1- 7: Fees
3-1- 8: Hearing On Application
3-1- 9: Appeal From Decision
3-1-10: Issued License
3-1-11: Term; Transfer; Refund Of Fees
3-1-12: Location, Regulation And Restrictions As To Places Of Sale
3-1-13: Hours Of Operation
3-1-14: Drive-In Liquor Stores
3-1-15: Renewals
3-1-16: Minors Restricted From Dispensing Room; Exception
3-1-17: Habitual Drunkards And Minors
3-1-18: Minors
3-1-19: Violation; Penalty

3-1-1: 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: Any spirituous or fermented fluid, substance or compound other than malt beverage intended for beverage purposes which contains at least one-half of one percent (0.5%) of alcohol by volume. As used in this chapter, "beverage" does not include liquid filled candies containing less than six and one-quarter percent (6.25%) of alcohol by volume.

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1. For power of town to license and regulate, see WS § 15-1-103(a)(xiii).

CLUB: Any of the following organizations:

A. 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;

B. 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 definition, an "American fraternal organization" means an organization actively operating in not less than thirty six (36) states or having been in active continuous existence for not less than twenty (20) years, but does not mean a college fraternity;

C. A hall or building association of a local unit specified in subsections A and B of this definition, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;

D. A golf club having more than fifty (50) bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse;

E. 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 ($25.00) 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 the 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 Statutes section 12-4-301, shall be in good standing by having paid at least one full year in dues;

F. "Club" does not mean college fraternities or labor unions.

LIMITED RETAIL LIQUOR LICENSE: The authority under which clubs shall be permitted to sell alcoholic and/or malt beverages.

MALT BEVERAGE PERMIT: The authority under which the sale of malt beverages is authorized for specifically limited periods or as

hereinafter otherwise provided.

MALT BEVERAGES: Any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent (0.5%) of alcohol by volume.

ORIGINAL PACKAGE: Any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.

RETAIL LIQUOR DEALER: A retail liquor dealer shall be any licensee who sells alcoholic or malt liquors under a retail liquor license.

RETAIL LIQUOR LICENSE: The authority under which a retailer shall be permitted to sell alcoholic and/or malt beverages for use or consumption but not for resale.

RETAILER: A person who sells or offers for sale any alcoholic or malt beverage for use or consumption and not for resale.

SELL; 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 any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale. (1970 Code § 4-1; amd. 2008 Code)

3-1-2: LICENSE REQUIRED: It shall be unlawful for any person to possess for sale, sell or dispense any alcoholic or malt liquor within the town limits without first obtaining a license to do so and paying the license fees. (1970 Code § 4-9)

3-1-3: FRATERNAL CLUBS:

A. Annual Limited Retail Liquor License; Fee: Bona fide fraternal clubs with national organizations shall be licensed under a limited retail liquor license for which they shall pay a license fee of four hundred fifty dollars ($450.00) annually in advance, which said license fee shall be paid to the town. (1970 Code § 4-11; amd. 2008 Code)

B. On Premises Consumption Required: No club holding such a 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 such club to so check and regulate 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. (1970 Code § 4-11)

3-1-4: MALT BEVERAGE PERMIT; FEE: A malt beverage permit may be issued to any responsible person for the sale of malt liquors only at a picnic, bazaar, fair, rodeo or similar public gathering. No person holding such permit shall sell any alcoholic liquor except malt liquor on the premises described on the permit. The permit shall be issued only for the days named therein; and it shall not authorize the sale of malt liquors on the premises described for more than six (6) days by anyone person in anyone year. The permit shall be issued without notice to the public on application to the governing body. The fee for such permit shall be ten dollars ($10.00) per day, payable to the town. (1970 Code § 4-12)

3-1-5: PERSONS INELIGIBLE FOR RETAIL LICENSES:

A. A retail liquor license shall not be issued or transferred to:

1. Any mayor, member of a city or town council, or county commissioner within their respective jurisdiction;

2. Any person employed by the state or a city, town or county as a law enforcement officer or who holds office as a law enforcement officer through election;

3. Any party who does not own the building in which the sales room is located or hold a written lease for the period for which the license will be effective containing an agreement by the lessor that alcoholic beverages may be sold upon the leased premises, except as provided in subsection A4 of this section;

4. Any licensee who fails to demonstrate that his licensed alcoholic or malt beverage enterprise will be operational in a planned but not physically functional building within two (2) years after a license or permit has been issued or transferred, or if holding a license, fails to open his business in a functional building within two (2) years after license issuance or transfer. Upon a showing of good cause by the licensee and for an additional period of not to exceed one year, the city may extend the time period in which the business or enterprise of the licensee is required to become operational or open for business

pursuant to this subsection. Any license or permit in violation of this subsection shall not be renewed by the local licensing authority;

5. A manufacturer of alcoholic beverages or wholesaler of malt beverages;

6. A person under eighteen (18) years of age;

7. A college fraternity or organization created by one or more college fraternities;

8. A chamber of commerce, except for twenty four (24) hour malt beverage permits issued pursuant to Wyoming Statutes section 12-4-502;

9. A corporation, limited liability company, limited partnership, or limited liability partnership which has not qualified to do business in Wyoming;

10. An individual who is not a resident; or

11. Any general partnership or group of two (2) or more persons unless each person interested, directly or indirectly, is a resident or qualified to do business in the state.

B. No licensing authority shall issue more than one license or permit to anyone person.

C. Except as provided in subsection D of this section, a license or permit authorized by this title shall not be renewed if the licensee or permittee did not, during the previous one year term of the license or permit, purchase at least five hundred dollars ($500.00) of alcoholic or malt beverages or a combination thereof from the commission or any authorized malt beverage wholesaler. A retail liquor license shall not be renewed if the licensee did not, during the previous one year term of the license, purchase at least two thousand dollars ($2,000.00) of alcoholic or malt beverages or a combination thereof from the commission or any authorized malt beverage wholesaler.

D. Subsection C of this section shall not apply to:

1. Any licensee or permittee having a planned but not physically functional building pursuant to subsection A4 of this section;

2. Holders of special permits issued under Wyoming Statutes

title 12, article 5.

3. Holders of a limited transportation liquor license under Wyoming Statutes section 12-2-202. (1970 Code § 4-13; amd. 2008 Code)

3-1-6: APPLICATION:

A. Required: Any person desiring a retail liquor license shall apply to the governing body for such license.

B. Form; Required Information: Such application shall be made upon a form prepared by the attorney general of the state and furnished to the town. It shall be sworn to by the applicant, filed in the office of the town clerk-treasurer and contain the following provisions:

1. The location and a description of the room in which the applicant will sell under the retail liquor license if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plans of the room and premises to be licensed.

2. The age and residence of the applicant, and of each applicant or partner if the application is made by more than one individual or by a partnership.

3. A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law and of any conviction for a violation of Wyoming law relating to the sale or manufacture of alcoholic liquor or malt beverages within ten (10) years prior to the filing of the application; and

4. If the applicant is a corporation:

a. The name, age and residence of each officer, director and stockholder holding, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation; and

b. Whether any officer, director or stockholder with ten percent (10%) or more ownership has been convicted of a violation of law as provided in subsection B3 of this section.

5. If the applicant is a limited liability company:

a. The name, age and residence of each officer, manager and member holding, either jointly or severally, ten percent (10%) or more of the outstanding ownership of the limited liability company; and

b. If any officer, manager or member with ten percent (10%) or more ownership has been convicted of a violation of law as provided under subsection 83 of this section.

6. A statement indicating the financial condition and financial stability of a new applicant.

7. The site and the zoning of the site where the applicant will sell under the license.

8. If application is for a retail license renewal, the applicant shall provide documentation to the local licensing authority that minimum purchase requirements specified in Wyoming Statutes subsection 12-4-103(c) have been met.

C. Signatures, Verification Required: No person or partner shall have any interest, directly or indirectly, in a retail liquor license unless he shall sign and verify the application for the license; and no corporation shall be granted a license unless two (2) or more of the officers or directors shall sign and verify the application on behalf of the corporation and shall also verify upon their oath as individuals that the statements and provisions are true. No limited liability company shall be granted a license or permit unless two (2) or more of the officers, managers, or if there are no officers or managers, two (2) or more of the members sign and verify the application on behalf of the company and also verify upon their oath as individuals that the statements and provisions are true.

D. Change Of Information: Corporate and limited liability company licensees and permittees shall advise the licensing authority within thirty (30) days, in writing, of any change in the information in the application required by subsections A4 and AS of this section. The licensing authority shall provide the commission a copy of a notification of change. (1970 Code § 4-14; amd. 2008 Code)

3-1-7: FEES: Unless otherwise provided, every person licensed as a retail dealer by the provisions of this chapter shall pay annually, in advance, for a license hereunder the sum of four hundred fifty dollars ($450.00). The license fee shall be paid to the town clerk-treasurer before the license is

issued. (1970 Code § 4-20; amd. 2008 Code)

3-1-8: HEARING ON APPLICATION:

A. Publication Of Notice: When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with a licensing authority, the clerk-treasurer shall promptly prepare a notice of application, place the notice conspicuously upon the premises shown by the application as the proposed place of sale and publish the notice in a newspaper of local circulation once a week for four (4) consecutive weeks. The notice shall state that a named applicant has applied for a license, permit, renewal or transfer thereof, and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the licensing authority. Each applicant shall, at the time of filing his application, pay the clerk-treasurer an amount sufficient to cover the costs of publishing notice. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A _____

Notice is hereby given that on the ____ day of _____ (year) (name of applicant) filed an application for a _____ license (permit), in the office of the clerk-treasurer of the town of Elk Mountain for the following described place (and room) (insert description), and protests, if any there be, against the issuance (transfer or renewal) of the license (permit) will be heard at the hour of _____.M., on the day of (year), in the (meeting place of the governing body).

Dated _____ Signed _____

B. Denial: Any license or permit authorized under this chapter shall not be issued, renewed or transferred until on or after the date set in the notice for hearing protests. If a renewal or transfer hearing, the hearing shall be held no later than thirty (30) days preceding the expiration date of the license or permit. A license or permit shall not be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing:

1. The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;

2. The purpose of this chapter shall not be carried out by the issuance, renewal or transfer of the license or permit;

3. The number, type and location of existing licenses or permits meet the needs of the vicinity under consideration;

4. The desires of the residents of the town will not be met or satisfied by the issuance, renewal or transfer of the license or permit; or

5. Any other reasonable restrictions or standards which may be imposed by the licensing authority shall not be carried out by the issuance, renewal or transfer of the license or permit.

C. Renewal Preference: The owner and holder of an expired liquor license or permit or one due for expiration has a preference right to a new license for the same location. After the required notice and a public hearing, each application claiming renewal preference shall be promptly considered and acted upon by the licensing authority.

D. Submittal To Commission: When any application is filed with a licensing authority, the licensing authority shall immediately forward a copy of the application to the commission. No licensing authority shall approve or deny an application until the commission has certified the application is complete pursuant to this subsection. All applications shall be deemed to be certified unless objection is made by the commission within ten (10) working days after receipt of the application. Upon approval or denial of an application, the licensing authority shall promptly notify the commission.

E. Appeal: An applicant for a renewal license or permit may appeal to the district court from an adverse decision by

the licensing authority. No applicant for a new license shall have a right of appeal from the decision of the licensing authority denying an application.

F. Judicial Review: Upon an appeal the person applying for a license and claiming renewal preference shall be named as plaintiff, with the licensing authority named as defendant. During the pendency of an appeal, a renewal license denied by a licensing authority shall not be granted to any other applicant. Upon notice of appeal the clerk-treasurer shall transmit to the clerk of the district court a certified copy of the application, of each protest if any, and of the minutes recording the decision appealed from. The appeal shall be heard as a trial de novo with evidence taken and other proceedings had, as in the trial of civil actions. The court may accept and consider as part of the record certified documents forwarded to the court by the town clerk-treasurer. The case shall be heard promptly and the procedure shall conform to the Wyoming rules of civil procedure unless other procedures are provided for or required. (1970 Code § 4-15; amd. 2008 Code)

3-1-9: APPEAL FROM DECISION: No applicant for a license under this chapter shall have a right of appeal from the decision of the governing body denying an application except applicants holding a license which is expiring and who are applying for a renewal. (1970 Code § 4-16)

3-1-10: ISSUED LICENSE:

A. Signatures And Attestation: Each license issued by the town shall be signed by the mayor and attested by the clerk-treasurer.

B. Contents: The following shall be shown in each license:

1. The name of the licensee;

2. A description of the place in which alcoholic and/or malt beverages may be sold;

3. The date of issuance;

4. The amount of the fee and that the same has been paid.

C. Display: Each licensee shall display his license in a conspicuous place in the licensed room. (1970 Code § 4-19)

3-1-11: TERM; TRANSFER; REFUND OF FEES:

A. Term:

1. A license or permit is considered a personal privilege of the holder, and the term of the license or permit is for one year unless sooner revoked. When a valid license or permit is determined to be part of the estate of a deceased holder, the administrator or executor of the estate may exercise the privilege of the deceased under the license or permit until the expiration of the license or permit.

2. The term of a license or permit may be less than one year if specified by the licensing authority to coincide with the annual or dates set by the authority for consideration of license and permit issuance, renewals and transfers. A licensing authority issuing a license or permit for a term less than one year shall prorate the annual fee accordingly. Any licensee not attempting to renew a newly issued prorated license or permit valid for one year shall not be eligible for any license or permit authorized under this chapter for a period of two (2) years after the expiration date of the prorated license or permit.

B. Transfer:

1. 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 of the license or permit. A transferred license or permit shall expire on the same date as the original license or permit.

2. 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 section 3-1-2 of this chapter. 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 Statutes section 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.

C. Refund: No refund of all or any part of any license fee shall be made at any time following the issuance thereof.

D. Transfer Or Sale Of License Or Permit; Attachment, Garnishment Or Execution: No license or permit shall be transferred or sold except as provided by Wyoming Statutes sections 12-4-601 through 12-4-603, used for any place not described in the license or permit at the time of issuance or subject to attachment, garnishment or execution. (Ord. 103, 10-14-1996; amd. 2008 Code)

3-1-12: LOCATION, REGULATION AND RESTRICTIONS AS TO PLACES OF SALE:

A. Location: 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 and as approved by the licensing authority. Upon payment of an additional license fee equal to two-thirds e/3) of the fee paid for the original license, a licensee may have and maintain one additional dispensing room in the same building under the authority of the original license. 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 local licensing authority. This area shall not be in another building and shall be located on the licensed premises.

B. Items Which May Be Sold: Only alcoholic and malt beverages, nonalcoholic beverages, food, tobacco and alcoholic liquor and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the alcoholic liquor and malt beverage firm or company whose product the item is advertising, may be sold and served in the licensed room. (1970 Code § 4-7; amd. 2008 Code)

C. Gambling: No gambling shall be permitted in a licensed room or dispensing room. (1970 Code § 4-7)

D. Inspection Of License: The governing body shall, as often as may be deemed necessary, inspect the licensed room and adjoining rooms where alcoholic beverages are served to determined whether or not requirements as to sanitation and

fire hazards are being complied with. (1970 Code § 4-7; amd. 2008 Code)

E. Separation Of Premises: The retail licensee may separate the facility for the sale of alcoholic and malt beverages for off premises consumption from the facility used to serve customers for on premises consumption. In such case, the facility for making sales for off premises consumption shall be located adjoining the facility for making sales for on premises consumption. The two (2) facilities may be separated by a glass or other suitable partition if they are connected by a doorway to permit persons to pass freely between the two (2) facilities. No additional fee shall be assessed against a licensee who separates the licensed premises in this manner. (1970 Code § 4-7)

F. Additional Rooms For Convention Facilities: If the licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one additional dispensing room for 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. (1970 Code § 4-7; amd. 2008 Code)

3-1-13: HOURS OF OPERATION:

A. Retailers: All persons licensed under this chapter, except clubs and trains holding a limited retail license, shall close the dispensing room and cease the sale of both alcoholic and malt liquors promptly at the hour of two o'clock (2:00) A.M. each day and keep the same closed until six o'clock (6:00) A.M., the same day; except that such places may open the dispensing room Sunday between the hours of ten o'clock (10:00) A.M. and ten o'clock (10:00) P.M. In addition, licensees shall clear the dispensing room of all persons other than employees by two thirty o'clock (2:30) A.M. (Ord. 116, 5-13-2002; amd. 2008 Code)

B. Operation Without Restriction: The governing body may meet in January of each year to designate the dates during any town or county fairs, rodeos, pageants, jubilees or similar public gatherings when all licenses may operate without restriction as to closing hours. Unrestricted operation is

not to exceed a total of four (4) days in any one calendar year. (1970 Code § 4-3)

3-1-14: DRIVE-IN LIQUOR STORES: A drive-in area adjacent or contiguous to the licensed room may be used by the holder of a retail liquor license for taking orders, making delivery of, and receiving payment for alcoholic or malt beverages under the following conditions and safeguards:

A. The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued;

B. No part of the area used for orders, delivery and making payment shall be more than forty feet (40') distant from the licensed room;

C. The area shall be well lighted and subject to inspection by the licensing authority at any and all times;

D. No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery and payment;

E. No order shall be received from or delivery made to a minor or intoxicated person in the area; (1970 Code § 4-6)

F. No part of a publicly owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales; (1970 Code § 4-6; amd. 2008 Code)

G. Alcoholic or malt beverages shall be sold and delivered in said area only in the original unopened package and consumption of alcoholic or malt beverages in such drive-in area shall not be permitted. (1970 Code § 4-6)

3-1-15: RENEWALS:

A. Preference: Upon the expiration of any license, the owner and holder thereof shall have a preference right to a new license for the same location, if such license may be granted under this chapter and application therefor conforming with requirements of section 3-1-6 of this chapter shows that such licensee is otherwise qualified to receive such new license.

B. Prompt Consideration; Publication Of Notice: Each application claiming renewal preference shall be promptly considered and decided by the governing body after

publication or other notice provided by section 3-1-8 of this chapter. (1970 Code § 4-18)

C. Appeals: Any such applicant owning and holding a license which is expiring and who has applied for a new license, and whose application for a new license has been denied by such governing body, may have an appeal from such decision to the district court sitting within and for Carbon County. (1970 Code § 4-18; amd. 2008 Code)

3-1-16: MINORS RESTRICTED FROM DISPENSING ROOM; EXCEPTION:

A. Restrictions: 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 ten o'clock (10:00) P.M. if the dining or waiting area is part of the licensed room.

B. Exception: 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. (2008 Code)

3-1-17: HABITUAL DRUNKARDS AND MINORS: If any court, parent or guardian gives written notice to any licensee that his or her child or ward is under the age of twenty one (21) years, or any spouse or dependent gives written notice to a licensee that his or her spouse or person liable for the support of the dependent is a habitual drunkard and by reason of habitual drunkenness is neglecting to provide support for the spouse or dependent and the licensee or permittee so notified thereafter sells or gives any alcoholic liquor or malt beverage to the child, ward or habitual drunkard, the person giving the notice may bring an action in district court against the licensee and, upon

proof of acts stated in the notice, recover in the action the actual damages sustained, punitive damages and costs. (2008 Code)

3-1-18: MINORS:

A. Sale Prohibited; Exception: Any person who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic liquor 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. This subsection does not apply to sales by the commission or a wholesaler to a licensee under this title.

B. Possession Prohibited; Exceptions; Public Drunkenness:

1. 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 liquor, malt beverages or a controlled substance on any street or highway or in any public place is guilty of a misdemeanor. As used in this subsection, possession shall also include alcohol which has been consumed and is present within the body at the time of determination.

2. This subsection does not apply to possession of alcoholic or malt beverages by a person under the age of twenty one (21) years:

a. When making a delivery of alcoholic or malt beverages pursuant to his employment;

b. Who is in the physical presence of his parent or legal guardian;

c. Who is a licensee under this chapter; or

d. When serving alcoholic or malt beverages pursuant to his 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.

C. Falsification Of Identification: 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.

D. Penalty: Any person who violates this section, or aids, abets or incites any violation hereof, is guilty of a misdemeanor.

E. Identification: 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 anyone of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license. (2008 Code)

3-1-19: VIOLATION; PENALTY:

A. Violation: Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction, shall be subject to penalty as provided in section 1-4-1 of this code. (1970 Code § 4-21; amd. 2008 Code)

B. Suspension; Revocation Of License: In addition to any other penalty which may be imposed pursuant to the provisions of this code or state law, 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. (1970 Code § 4-8)

CHAPTER 2 PEDDLERS

SECTION:

3-2-1: Definition
3-2-2: Prohibited

3-2-1: DEFINITION: The word "peddler" as used in this chapter means any individual, whether a resident of this town or not, traveling by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, for the sale of, as well as the selling, offering for sale, or taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not the individual has, carries or exposes for sale a sample of the subject of the sale or not, or whether he is collecting advance payments on such sales or not; provided, that this definition shall include any person who, for himself, or for another person, hires, leases, uses or occupies any building structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the town for the sole purpose of exhibiting samples and taking orders for future delivery.

The provisions of this section and section 3-2-2 of this chapter shall not apply to the following:

A. Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business;

B. Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law;

C. Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by the vendor;

D. Solicitations, sales or distributions made by charitable, educational, or religious organizations which have their principal place of activity within the town. (1970 Code § 16-1)

3-2-2: PROHIBITED: No person shall act as a peddler within the town. (1970 Code § 16-2

TITLE 4 PUBLIC HEALTH AND SAFETY

Subject ..... Chapter

Collection And Removal 1
High Country Landfill 2

CHAPTER 1 GARBAGE COLLECTION AND REMOVAL

SECTION:

4-1- 1: Sanitary Measure
4-1- 2: Definitions
4-1- 3: Maintenance Of Premises
4-1- 4: Containers
4-1- 5: Precollection Practices
4-1- 6: Heavy Appliances, Automobile Parts
4-1- 7: Manner And Time Of Collection
4-1- 8: Fees And Charges
4-1- 9: Burning Of Garbage
4-1-10: Parking To Obstruct Access
4-1-11: Use Of Other Places For Disposal Prohibited
4-1-12: Penalty

4-1-1: SANITARY MEASURE: This chapter is declared to be strictly a sanitary measure, enacted for the promotion and protection of the public health and safety, and to prevent fire hazards and nuisances. The town council is hereby authorized and empowered to use every means at its disposal, including its police powers, for the enforcement hereof. (Ord. 84, 4-13-1992)

4-1-2: DEFINITIONS: For the purposes of this chapter, the following words and phrases shall have the meanings respectfully ascribed to them by this section:

GARBAGE: Waste resulting from the handling, preparation, cooking or consumption of food; wastes from handling, storage and sale of produce; and other matter whatsoever that may decompose and become foul, offensive, unsanitary or dangerous to health.

REFUSE: Combustible and noncombustible discarded materials including, but not limited to, paper, wood, glass, metal and cloth products, yard trimmings, tree branches, furniture, bedding, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing processes so long as the industrial and manufacturing wastes are nontoxic and non-corrosive. (Ord. 84, 4-13-1992)

4-1-3: MAINTENANCE OF PREMISES:

A. Duty To Maintain: It shall be the duty of any owner, agent, tenant, purchaser, contractor or lessee of any premises within the town, including places of business, dwelling houses, trailers, apartments, tenements, construction sites

or other establishments, at all times, to maintain the premises in a clean and orderly condition, permitting no deposits or accumulation of materials other than those necessary or ordinarily attendant upon construction or 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 and is prohibited hereunder. If the accumulation of waste is not removed within seven (7) days of the date of the notice of violation, a fine of up to seven hundred fifty dollars ($750.00) may be assessed to the premises, or upon the person having control of the same. (Ord. 99, 4-8-1996)

B. Use Of Containers: All such persons, where cooking or eating is done, shall place garbage in containers which are suitable for the purpose of holding all garbage and refuse without running over. (Ord. 84, 4-13-1992)

4-1-4: CONTAINERS:

A. Design: All garbage containers used by subscribers within the collection system route shall be provided by the town. Subscribers who use or transport containers outside the collection route will be required to purchase a garbage container which meets the town specifications.

B. Maintenance: Each person shall be responsible to maintain the container in a clean and sanitary condition, and to place the container in a position and place so as not to be damaged.

C. Placement For Collection; Securing: All garbage containers shall be kept at some proper and accessible place within easy reach of the collector on specified collection dates. Such cans shall be secured in such a manner as to provide reasonable security against being overturned by animals, wind, or other causes.

D. Defacing And Vandalizing Containers: It shall be unlawful for any person to deface or vandalize the containers. (Ord. 84, 4-13-1992)

4-1-5: PRECOLLECTION PRACTICES:

A. Bagging Required: All garbage listed below shall be placed in heavyweight reinforced paper garbage bags, plastic garbage bags, or trash compactor bags and securely tied before entering the containers:

1. Moist garbage;

2. Charcoal and ashes, provided they are thoroughly cold or doused with water;

3. Grass clippings, rakings and leaves; and

4. Small animal corpses.

B. Newspapers, Magazines Or Cardboard: Newspapers, magazines or cardboard will be collected with the regular solid waste, provided they are tied in bundles and placed in the collection containers.

C. Large Animal Corpses: Larger animal corpses must be removed by the owner to the high country landfill.

D. Building Materials And Mineral Waste: Rocks, stones, bricks, concrete, dirt and other building materials or mineral waste shall not be permitted to accumulate in alleyways or at the curb. Such materials shall be removed by the contractor, the owner, agent, tenant, purchaser or the lessee of any premises. (Ord. 84, 4-13-1992)

4-1-6: HEAVY APPLIANCES, AUTOMOBILE PARTS:

A. Articles Too Big For Containers: Heavy appliances and automobile parts which cannot be placed in the containers shall be rendered in a safe condition and it shall be the responsibility of the owner to remove such articles immediately to the designated municipal waste disposal holding facility.

B. Tree Limbs, Branches, Grass Clippings, Wood Construction Remnants: Tree limbs, branches, grass clippings, rakings, leaves and wood construction remnants may be removed to the municipal waste disposal holding facility. It shall be the responsibility of the owner to remove such articles immediately. (Ord. 84, 4-13-1992)

4-1-7: MANNER AND TIME OF COLLECTION: Collection for the disposal of garbage and refuse shall be provided at such times as may be established by the town council from time to time. (Ord. 84, 4-13-1992)

4-1-8: FEES AND CHARGES:

A. Charge Levied And Collected: A charge shall be levied and collected by the town from the occupants or tenants of

,every house, apartment, trailer, or other building or business establishment from which garbage or refuse or other waste materials is collected and removed as provided in this chapter. The fee to be charged for the collection and removal of garbage and refuse shall be as established by the governing body from time to time. (Ord. 93, 6-13-1994; amd. 2008 Code)

B. Monthly Billing; Late Fee: All charges and assessments for the collection of garbage and refuse and other waste matters shall be billed monthly, and shall be due and payable by the occupant or tenant on or before the tenth day of the month following that in which the service is rendered. A late fee of one and one-half percent (11/2%) of the unpaid balance will be assessed on all monthly bills which are delinquent. (Ord. 93, 6-13-1994)

C. Unpaid Bills:

1. Service Terminated: When any monthly bill for charges and assessments for the collection of garbage, refuse, and other waste matter remains unpaid on or after the tenth day of the month following the billing, then collection and disposal service shall be terminated without notice.

2. Service Resumed: Service shall be resumed when the payments have been made.

3. Legal Action For Collection: The town shall be entitled to bring legal action to collect the unpaid bills, and by subscription to the collection service, it is hereby agreed that the customer shall pay all costs of the legal action including a reasonable attorney fee. (Ord. 84, 4-13-1992)

4-1-9: BURNING OF GARBAGE: Burning of garbage and refuse within the town shall be prohibited. (Ord. 84, 4-13-1992)

4-1-10 PARKING TO OBSTRUCT ACCESS: Parking so as to obstruct access to the containers shall be unlawful. (Ord. 84, 4-13-1992)

4-1-11 USE OF OTHER PLACES FOR DISPOSAL PROHIBITED: It shall be unlawful for any person, firm, or corporation to use land or places within the jurisdictional limits of the town for the purpose of dumping ashes, refuse, garbage, waste, or other matter. (Ord. 84, 4-13-1992)

4-1-12: PENALTY: Any person found guilty of violation of the provisions of this chapter shall be punished as provided in

section 1-4-1 of this code. (Ord. 84, 4-13-1992; amd. 2008 Code)

CHAPTER 2 HIGH COUNTRY LANDFILL

SECTION

4-2-1: Designated Disposal Facilities
4-2-2: Rules And Regulations
4-2-3: Charges
4-2-4: Penalty

4-2-1: DESIGNATED DISPOSAL FACILITIES: The high country landfill as heretofore established shall be used by the town for the disposal of all ashes, refuse, garbage and other waste material or matter collected and removed from the town. (Ord. 84, 4-13-1992)

4-2-2: RULES AND REGULATIONS: The town shall be governed by the rules and regulations of the high country landfill as have been established or as may hereafter become established and set forth by the high country joint powers board'. (Ord. 84, 4-13-1992)

4-2-3: CHARGES:

A. Charges Levied And Collected: A charge shall be collected and levied by the town for each "consumer" who is defined as each commercial establishment, each trailer, each apartment unit and each individual residential unit. The fee to be charged for the landfill shall be as established by the governing body from time to time. (Ord. 84, 4-13-1992; amd. 2008 Code)

B. Monthly Billing; Late Fee: All charges and assessments for the landfill shall be billed monthly and shall be due and payable by the consumer on or before the tenth day of the month following that in which the service is rendered. A late fee of one and one-half percent (1 j/2%) of the unpaid balance will be assessed on all monthly bills which are delinquent.

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1. See title 2, chapter 2 of this code.

C. Unpaid Bills: If any monthly bill for charges and assessments for the landfill remain unpaid on or after the tenth of the month following the billing, the town shall be entitled to bring legal action to collect the unpaid bills and the customer shall pay all costs of the legal action including a reasonable attorney fee. (Ord. 84, 4-13-1992)

4-2-4: PENALTY: Any person found guilty of violation of the provisions of this chapter shall be punished as provided in section 1-4-1 of this code. (Ord. 84, 4-13-1992; amd. 2008 Code)

TITLE 5 POLICE REGULATIONS

Subject ..... Chapter

Law Enforcement 1
General Offenses 2
Animal Control 3
    Animals And Fowl 3A
    Dogs 38

CHAPTER 1 LAW ENFORCEMENT

SECTION: Authority Granted

5-1-1: AUTHORITY GRANTED: Any or all state and county officers of the law are given authority to enforce the ordinances and laws of the town. (Ord. 37, 9-11-1972)

CHAPTER 2 GENERAL OFFENSES

SECTION:

5-2- 1: Camping
5-2- 2: Crossing Lawns, Gardens Or Improved Lots
5-2- 3: Discharging Firearms; Fireworks
5-2- 4: Disturbing Assemblages
5-2- 5: False Alarms
5-2- 6: Fences, Erection Of Dangerous
5-2- 7: Fighting
5-2- 8: Fire Alarm Systems, Interfering With
5-2- 9: Fireworks
5-2-10: Gambling
5-2-11: Malicious Mischief
5-2-12: Noise
5-2-13: Obscenity
5-2-14: Poison, Spreading
5-2-15: Property Destruction
5-2-16: Prostitution
5-2-17: Public Drunkenness
5-2-18: Refrigerators, Iceboxes; Abandonment
5-2-19: Shoplifting
5-2-20: Simple Assault; Battery
5-2-21: Smoking Prohibited
5-2-22: Town Employees, Interfering With
5-2-23: Tumultuous Conduct
5-2-24: Vagrancy
5-2-25: Penalty

5-2-1: CAMPING: No person shall camp within the town other than at a regularly established and maintained area set aside for camping by the governing body. (1970 Code § 15-4)

5-2-2: CROSSING LAWNS, GARDENS OR IMPROVED LOTS: No person shall walk, run, ride or in any other manner cross over or upon any lawn, garden or otherwise improved lot, whether enclosed or not, without permission of the owner or occupant thereof. (1970 Code § 15-5)

5-2-3: DISCHARGING FIREARMS; FIREWORKS:

A. Firearms: No person shall fire or discharge any cannon, gun, fowling piece, pistol, revolver or firearm of any description within the town limits or within one mile of the town.

B Fireworks: No person shall fire, explode or set of any squib, firecracker or other thing containing powder or other combustible material. (1970 Code § 15-6)

5-2-4: DISTURBING ASSEMBLAGES:

A. No person shall disturb any lawful assemblage of people by rude, boisterous or indecent behavior or otherwise.

B. No person shall annoy or disturb any congregation or assembly, gathered together for religious worship, by making a noise, by rude or indecent behavior or profane discourse, within the place wherein such congregation or assembly is gathered together or so near the same as to be heard by or tending to disturb the persons so engaged or assembled. (1970 Code § 15-8)

5-2-5: FALSE ALARMS (1):

A. Fire: No person shall knowingly give a false alarm of fire except those for test purposes given or caused to be given by the chief of the fire department. (1970 Code § 15-9)

B. Police: It shall be unlawful for any person to call any police officer to any place, falsely pretending or falsely giving such officer to understand that he is needed or wanted in any place as such officer. (1970 Code § 15-10)

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1. WS § 6-5-210.

5-2-6: FENCES, ERECTION OF DANGEROUS; It shall be unlawful for any person to erect or maintain upon residential property in the town, any barbed wire fence, electric fence or fence of any other nature which is so constructed as to be potentially dangerous to human beings. (1970 Code § 15-11)

5-2-7: FIGHTING (1); No person in the town shall fight another person except in boxing exhibitions duly authorized and licensed under the law. (Ord. 35, 10-4-1971)

5-2-8: FIRE ALARM SYSTEMS, INTERFERING WITH: No person shall interfere with any part of the fire alarm system unless so authorized by the chief of the fire department. (1970 Code § 15-12)

5-2-9: FIREWORKS:

A. Sale, Barter, Exchange Unlawful: It is unlawful for any person to barter, sell, exchange, or give away fireworks within the town.

B. Discharge Unlawful: It is unlawful for any person to fire or discharge, or cause to be fired or discharged, any fireworks within the limits of the town. (1970 Code § 15-30)

5-2-10: GAMBLING (2): No person shall engage in "gambling" or "professional gambling" as those terms are defined by state law. (1970 Code § 15-14)

5-2-11: MALICIOUS MISCHIEF (3): It shall be unlawful for any person to wantonly or mischievously break, injure or destroy, in any manner, any property of another. (1970 Code § 15-17)

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1. WS § 6-6-601.
2. See WS § 15-1-1 03(a)(xvi)(A) for power to suppress or prohibit.
3. WS § 6-3-201.

5-2-12: NOISE:

A. Declared Unlawful: The making and creating of "noise" as defined in subsection B of this section, within the town is hereby declared to be unlawful. (1970 Code § 15-19; amd. 2008 Code)

B. Noise Defined: The term "noise" shall have the following meanings:

1. When related to a sound from a vehicle with a manufacturer's gross weight rating of ten thousand (10,000) pounds on prescribed truck route during the hours of seven o'clock (7:00) A.M. to six o'clock (6:00) P.M. on Monday through Sunday, the term shall mean any such sound which exceeds eighty eight (88) decibels.

2. When related to all other sounds, from whatever source, the term shall mean any such sounds which exceed eighty (80) decibels.

C. Noise Making Activities Prohibited: No person shall operate any type of vehicle or carryon any other activity in violation of this section.

D. Tests And Measurements: For the purpose of determining and classifying any noise as excessive and in violation of this section, the following test measurements and requirements shall be applied:

1. The noise shall be measured on a sound meter which conforms

to ANSI and international standards and quality, operated on an A weighing scale.

2. The noise shall be measured at a distance of at least thirty five feet (35') from its source when located within a dedicated public right of way.

3. If the noise is located on private property or public property other than a dedicated public right of way, it shall be measured by at least twenty five feet (25') from the property line of the property on which its source is located.

E. Permits For Exception From Provisions:

1. Application; Conditions For Granting: Applications for a permit for relief from noise levels designated in subsection B of this section may be made to the chief of police. Any permit granted by the chief of police hereunder shall contain all conditions upon which such permit has been granted and shall specify a reasonable time that the permit shall be effective. The chief of police may grant the relief as applied for if he finds:

a. Additional time is necessary for the applicant to alter or modify his activities or operations to comply with subsection B of this section; or

b. The activity, operation or noise will be of temporary duration, and cannot be done in a manner that would comply with subsection B of this section; or

c. No other reasonable alternative is available to the applicant; or

d. Failure to issue the permit would constitute an undue hardship.

2. Requirements Prescribed By Chief Of Police: The chief of police may prescribe any requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood as a condition to the issuance of a permit.

3. Issuance/Rejection; Appeal: The chief of police shall either issue or reject any application submitted to him, in writing, within five (5) days after receipt thereof. The applicant may appeal, in writing, to the town council any decision of the chief of police within ten (10) days after

such decision is rendered.

F. Exceptions: The requirements, prohibitions and terms of this section shall not apply to any authorized emergency vehicle when responding to an emergency call or acting in time of emergency, and shall not apply to those activities of a temporary duration, permitted by law and for which a license or permit therefor has been granted by the town including, but not limited to, parades and fireworks displays. (1970 Code § 15-19)

5-2-13: OBSCENITY:

A. Definitions: As used in this section:

DISSEMINATE: To sell, distribute, deliver, provide, exhibit or otherwise make available to another.

MATERIAL: Includes any form of human expression or communication intended for, or capable of, visual, auditory or sensory perception.

OBSCENE: Material which the average person would find:

1. Applying contemporary community standards, taken as a whole, appeals to the prurient interest;

2. Applying contemporary community standards, depicts or describes sexual conduct in a patently offensive way; and

3. Taken as a whole, lacks serious literary, artistic, political or scientific value.

PRODUCE OR REPRODUCE: To bring into being regardless of the process or means employed. Undeveloped photographs, films, molds, casts, printing plates and like articles may be obscene, notwithstanding that further processing or other acts are necessary to make the obscenity patent or to disseminate or exhibit the obscene material.

SEXUAL CONDUCT:

1. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated;

2. Sadomasochistic abuse; or

3. Patently offensive representations or descriptions of

masturbation, excretory functions or lewd exhibitions of the genitals.

B. Promoting Obscenity: A person commits the crime of promoting obscenity if he:

1. Produces or reproduces obscene material with the intent of disseminating it;

2. Possesses obscene material with the intent of disseminating it; or

3. Knowingly disseminates obscene material.

C. Sexual Exploitation Of Children:

1. As used in this subsection:

CHILD: A person under the age of eighteen (18) years;

CHILD PORNOGRAPHY: Any visual depiction, including any photograph, film, video, picture, computer or computer generated image or picture, whether or not made or produced by electronic, mechanical or other means, of explicit sexual conduct, where:

a. The production of the visual depiction involves the use of a child engaging in explicit sexual conduct;

b. The visual depiction is of explicit sexual conduct involving a child or an individual virtually indistinguishable from a child; or

c. The visual depiction has been created, adapted or modified to depict explicit sexual conduct involving a child or an individual virtually indistinguishable from a child.

EXPLICIT SEXUAL CONDUCT: Actual or simulated sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, between persons of the same or opposite sex, bestiality, masturbation, sadistic or masochistic abuse or lascivious exhibition of the genitals or pubic area of any person.

VISUAL DEPICTION: Developed and undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image.

2. A person is guilty of sexual exploitation of a child if,

for any purpose, he knowingly:

a. Causes, induces, entices, coerces or permits a child to engage in, or be used for, the making of child pornography;

b. Causes, induces, entices or coerces a child to engage in, or be used for, any explicit sexual conduct;

c. Manufactures, generates, creates, receives" distributes, reproduces, delivers or possesses with the intent to deliver, including through digital or electronic means, whether or not by computer, any child pornography;

d. Possesses child pornography, except that this subsection shall not apply to:

(1) Peace officers, court personnel or district attorneys engaged in the lawful performance of their official duties;

(2) Physicians, psychologists, therapists or social workers, provided such persons are duly licensed in Wyoming and the persons possess such materials in the course of a bona fide treatment or evaluation program at the treatment or evaluation site; or

(3) Counsel for a person charged under this section. (2008 Code)

5-2-14: POISON, SPREADING: It shall be unlawful for any person to spread, place or distribute poison of any kind within the town without the permission of the town council. (1970 Code § 15-29)

5-2-15: PROPERTY DESTRUCTION: No person, unless he shall have a permit therefor from the governing body, shall cut, break, or in any way injure or deface any tree, shrub, plant, flower or turf, or any building, fence, bridge or other structure, or any street, alley, curb, or gutter, water or sewer line or sewer intake, or any tools, equipment, or anything whatsoever, that has been planted, built, constructed, installed, or is maintained by, or is the property of the town. (1970 Code § 15-2)

5-2-16: PROSTITUTION (1)

A. No person shall keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, or with knowledge or reasonable cause to know that the same is or is to be used for such purpose, or

receive or offer to agree to receive any person in any place, structure, building or conveyance for the purpose of prostitution or permit any person to remain therein for such purpose.

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1. WS § 6-4-101. See WS § 15-1-1 03(a)(xvi)(B) for power to suppress or prohibit.

B. No person shall direct, take, transport or offer or agree to take or transport, any person to any place, structure or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution.

C. No person shall reside in, enter or remain in any place, structure or building, or enter or remain in any conveyance for the purpose of prostitution.

D. No person shall engage in or solicit prostitution or aid or abet prostitution, by solicitation or by any means whatsoever. (1970 Code § 15-25)

5-2-17: PUBLIC DRUNKENNESS: It shall be unlawful for any person to be drunk or in a state of intoxication on any highway, street, thoroughfare or other public place within the town. (1970 Code § 15-26)

5-2-18: REFRIGERATORS, ICEBOXES; ABANDONMENT (1): Whoever abandons or stores any refrigeration unit or icebox in such a place as to be easily accessible to children without first having made adequate provision to prevent entry into such refrigeration unit or icebox or without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (2008 Code)

5-2-19: SHOPLIFTING (2):

A. Prohibited: It shall be unlawful for any person to wilfully conceal or take possession of any goods offered for sale by wholesale or retail stores or other mercantile establishments, without the knowledge or consent of the owner thereof and with intent to convert the goods to his own use without paying the purchase price. (1970 Code § 15-28)

1. WS § 35-10-407.
2. WS § 6-3-404.

B. Power To Detain And Interrogate: A peace officer, merchant or merchant's employee who has reasonable cause to believe a person is violating Wyoming Statutes section 6-3-404 may detain and interrogate the person in regard to the suspected violation in a reasonable manner and for a reasonable time.

C. Action For Slander, False Arrest, False Imprisonment: 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 had reasonable cause to believe the person was violating Wyoming Statutes section 6-:3-404 and the detention and interrogation were conducted in a reasonable manner and for a reasonable time. (1970 Code § 15-28; amd. 2008 Code)

5-2-20: SIMPLE ASSAULT; BATTERY:

A. Simple Assault: A person is guilty of simple assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another.

B. Battery: A person is guilty of battery if he unlawfully touches another in a rude, insolent or angry manner or intentionally, knowingly or recklessly causes bodily injury to another. (2008 Code)

5-2-21: SMOKING PROHIBITED:

A. Definition: "Smoking" is defined to include cigarettes, cigars and pipes.

B. Prohibited: Smoking is prohibited within the town hall and community center. (Ord. 88, 6-14-1993)

5-2-22: TOWN EMPLOYEES, INTERFERING WITH: No person shall interfere in any way with any employee of the town 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. (1970 Code § 15-18)

5-2-23: TUMULTUOUS CONDUCT: No person in the town shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (Ord. 35, 10-4-1971)

5-2-24: VAGRANCY (1): No person in the town shall have the status or condition of a "vagrant". The following persons shall be deemed vagrants:

A. No Lawful Means Of Support: Any person having no lawful means of employment and having no lawful means of support realized solely from lawful occupations or sources; or any person who lives idly and without visible means of support.

B. Loitering: Any person found loitering or strolling in, about, or upon any street, alley, or other public way or public place, or any public gathering or assembly, or in or about any store, shop, or business or commercial establishment, or on any private property or place without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior.

C. Burglar's Tools: Any person upon whose person or in whose possession shall be found any instrument, tool or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, and who shall fail to account satisfactorily for the possession of the same.

D. Unlawful Occupancy: Any person wandering abroad and occupying, lodging, or sleeping in any vacant or unoccupied barn, garage, shed, shop, or other building or structure, or in any automobile, truck, railroad car, or other vehicle, without owning the same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness and not giving a satisfactory account of himself.

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1. See WS § 15-1-103(a)(xviii) for power of town to restrain and punish.

E.. Begging: Any person wandering abroad and begging; or any person who goes about from door to door of private homes or commercial and business establishments, or places himself in or upon any public way or public place to beg or receive

alms for himself.

F. Abroad At Unusual Hours: Any person who wanders about the streets, alleys, or other public ways or places, or who is found abroad at late or unusual hours in the night without any visible or lawful business and not giving a satisfactory account of himself.

G. Illegal Association: Any person who keeps, operates, frequents, lives in, or is employed in any house or other establishment of ill fame, or who (whether married or single) engages in or commits acts of fornication or perversion for hire.

H. Illegal Employment: Any person who frequents or loafs, loiters, or idles in or around or is the occupant of or is employed in any gambling establishment or establishment where intoxicating liquor is sold without a license.

I. Fraudulent Schemes: Any person who shall engage in any fraudulent scheme, device, or trick to obtain money or other valuable thing from others; or any person who aids or assists such trick, device or scheme.

J. Concealing Stolen Property: Any person who keeps a place where lost or stolen property is concealed.

K. Other: All persons who, by the common law, are vagrants, whether embraced in any of the foregoing classifications or not. (Ord. 35, 10-4-1971)

5-2-25: PENALTY:

A. Penalty On Conviction: Any person convicted of a violation of sections 5-2-7, 5-2-20, 5-2-23 and 5-2-24 of this chapter shall be punished by a fine not exceeding one hundred dollars ($100.00) and/or imprisoned not exceeding sixty (60) days in jail, and shall not be discharged (except as hereinafter provided) until such fine and costs shall have been paid.

B. Release Of Defendant: After the conviction of any person for the violation of sections 5-2-7, 5-2-20, 5-2-23 and 5-2-24 of this chapter, the mayor may order the defendant released; provided, such order shall stipulate that the person shall not again be found within the town limits until the expiration of twelve (12) months from the date of conviction, and if such stipulation be violated, the person may again be committed to the town jail, upon execution

issued on said judgment of conviction, and the municipal judge shall record on his docket all proceedings taken under the above mentioned sections 5-2-7, 5-2-20, 5-2-23 and 5-2-24 of this chapter. (Ord. 35, 10-4-1971)

CHAPTER 3 ANIMAL CONTROL

ARTICLE A. ANIMALS AND FOWL

SECTION:

5-3A-1: Running At Large Prohibited
5-3A-2: Impoundment
5-3A-3: Sale Of Unredeemed Animals
5-3A-4: Breaking Open Pound
5-3A-5: Cruelty To Animals; Limitation On Manner Of Destruction
5-3A-6: Removal And Disposal Of Dead Animals

5-3A-1: RUNNING AT LARGE PROHIBITED (1): No cattle, horses, hogs, sheep or goats, or chickens, ducks, geese, turkeys, guinea fowl or any other fowl or animal except dogs, as provided in this article, and cats, shall at any time be permitted to run at large within the town. (1970 Code § 5-1)

5-3A-2: IMPOUNDMENT:

A. Enforcement: If any animal or fowl referred to in section 5-3A-1 of this article shall be found running at large, it shall be the duty of the town marshal to impound such animal in a secure pen, pound or other place provided for that purpose.

B. Redemption Fee: No animal so impounded shall be released until the owner shall have paid a fee as determined from time to time by resolution of the town council for the impoundment and care of the type of animal so impounded. (1970 Code § 5-2; amd. 2008 Code)

C. Impoundment Record: Immediately upon impounding any such animal or fowl, the town marshal, or other agent appointed by the town, shall record in the book to be provided by the town and by him kept for that purpose, a description of the animal or fowl. The record shall state the sex, color, breed, estimated age, distinguishing marks, if any, and the date and hour of impounding. Upon final disposition of such animal or fowl, the record shall show such disposition. (Ord. 53, 3-12-1984)

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1. See WS § 15-1-1 03(a)(xiv) for power of town to regulate or prohibit running at large.

5-3A-3: SALE OF UNREDEEMED ANIMALS:

A Sale; Notice: It shall be the duty of the town marshal to sell at public auction any animal or fowl so impounded, upon giving at least five (5) days' previous notice to the owner or person in charge of the impounded animal of the time and place of such sale. The notice shall describe the animal with reasonable accuracy; provided, that any such animal may be redeemed at any time before the sale by payment of the fees and charges provided for in subsection 5-3A-2B of this article.

B. Disposition Of Proceeds: In case any animal or fowl, sold pursuant to the provisions of this section, shall be sold for more than an amount sufficient to pay the fees and charges required pursuant to subsection 5-3A-2B of this article, the excess shall be deposited with the town clerk-treasurer. Such excess shall be paid to the owner of such animal or to the person entitled to the possession of such animal, upon claim and proper proof presented by such person. (1970 Code § 5-3)

5-3A-4: BREAKING OPEN POUND: 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. (1970 Code § 5-4)

5-3A-5: CRUELTY TO ANIMALS (1); LIMITATION ON MANNER OF DESTRUCTION:

A. A person commits cruelty to animals if he knowingly and with intent to cause death, injury or undue suffering: 1. Overrides an animal or drives an animal when overloaded; or

2. Unnecessarily or cruelly beats, tortures, torments, injures, mutilates or attempts to kill an animal; or

3. Carries an animal in a manner that poses undue risk of injury or death.

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1. WS § 6-3-203.

B. A person commits cruelty to animals if he has the charge and custody of any animal and unnecessarily fails to provide it with the proper food, drink or protection from the weather, or cruelly abandons the animal, or in the case of immediate, obvious, serious illness or injury, fails to provide the animal with appropriate care.

C. A person commits aggravated cruelty to animals if he:

1. Owns, possesses, keeps or trains fowl or dogs with the intent to allow the dog or fowl to engage in an exhibition of fighting with another dog or fowl;

2. For gain causes or allows any dog or fowl to fight with another dog or fowl;

3. Knowingly permits any act prohibited under subsection C1 or C2 of this section on any premises under his charge or control; or

4. Promotes any act prohibited under subsection C1 or C2 of this section.

D. A person shall not destroy an animal by the use of a high altitude decompression chamber or a carbon monoxide gas chamber utilizing a gasoline engine.

E. Unless punishable under subsection L of this section, a violation of this section is a misdemeanor punishable as provided in section 1-4-1 of this code.

F. Nothing in subsection C of this section may be construed to prohibit:

1. The use of dogs in the management of livestock by the owner of the livestock, his employees or agents or other persons in lawful custody of the livestock;

2. The use of dogs or raptors in hunting; or

3. The training of dogs or raptors or the use of equipment in the training of dogs or raptors for any purpose not prohibited by law.

G. A person commits cruelty to animals if he is knowingly present at any place where an exhibition of fighting of fowl or dogs is occurring for amusement or gain.

H. If a person convicted of a violation of this section is also the owner of the animal, the court may require the person to forfeit ownership of the animal to the county in which the person is convicted. This subsection shall not affect the interest of any secured party or other person who has not participated in the offense.

I. In addition to any sentence and penalties imposed under

subsections E, H and L of this section, the court may:

1. Require the defendant to pay all reasonable costs incurred in providing necessary food and water, veterinary attention and treatment for any animal affected; and

2. Prohibit or limit the defendant's ownership, possession or custody of animals, as the court deems appropriate.

J. Each animal affected by the defendant's conduct may constitute a separate count for the purposes of prosecution, conviction, sentencing and penalties under this section.

K. Nothing in subsection A, B or L of this section shall be construed to prohibit:

1. A person from humanely destroying an animal;

2. The use of industry accepted agricultural and livestock practices on livestock;

3. Rodeo events, whether the event is performed in a rodeo, jackpot or otherwise; or

4. The hunting, capture or destruction of any predatory animal or other wildlife in any manner not otherwise prohibited by law.

L. A person commits a felony if he knowingly and with intent to cause death, injury or undue suffering, cruelly beats, tortures, torments, injures or mutilates an animal resulting in the death or required euthanasia of the animal. (2008 Code)

5-3A-6 REMOVAL AND DISPOSAL OF DEAD ANIMALS (1): It shall be the duty of the owner of any animal found dead within the town to remove such animal beyond the corporate limits of the town and to bury such animal; provided, that if the town has designated a particular area for the burial of dead animals, the owner of any dead animal shall remove the dead animal to such designated area and bury the dead animal therein at the place designated by the administrative official in charge of such designated burial area. (1970 Code § 5-6)

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1. See also subsection 4-1-5A4 of this code for disposal of small animals and subsection 4-1-5C of this code for disposal of large

animals.

CHAPTER 3 ANIMAL CONTROL

ARTICLE B. DOGS

SECTION:

5-3B-1: Definitions
5-3B-2: Registration And Licensing
5-3B-3: Running At Large
5-3B-4: Impoundment
5-3B-5: Vicious Dogs
5-3B-6: Female Dogs In Heat
5-3B-7: 8arking Dogs
5-3B-8: Loosing Of Strays
5-3B-9: Dog Kennels

5-3B-1: DEFINITIONS: As used in this article, unless the context otherwise indicates, the following words shall have the following meanings:

DOG: Both male and female.

KENNEL: Any premises or property of any kind or description where more than one female dog is kept for breeding purposes, or where more than one litter of puppies or dogs is kept for purposes of sale.

OWNER: Any person owning, keeping or harboring a dog. (Ord. 39, 8-6-1973)

5-3B-2: REGISTRATION AND LICENSING:

A. License Required; Fees: It shall be unlawful for any person to keep or harbor any dog over six (6) months of age in the town unless he shall cause the same to be registered and licensed by the town clerk-treasurer and shall pay to the town clerk-treasurer a registration fee as provided below:

1. Unspayed/Unneutered: Five dollars ($5.00) for each male or female;

2. Spayed/Neutered: Three dollars ($3.00) for each neutered male and spayed female. (Ord. 67, 4-11-1988)

B. Information Required: At the time application for license is made, the owners shall state upon a printed form provided for that: purpose, the name and address of the owner, the name, breed, color, sex, age, and if a female, whether spayed or not, of each dog owned or kept by him.

(Ord. 39, 8-6-1973; amd. 2008 Code)

C. Rabies Vaccination Certificate Prerequisite To Issuance: No license shall be issued under this article unless the applicant shall have obtained and exhibited to the town clerk-treasurer a certificate issued by a licensed veterinarian showing that the dog sought to be licensed has a current rabies vaccination. (Ord. 68, 4-27-1988)

D. Registration Receipt And Book: Upon collection of each registration fee, the town clerk-treasurer shall issue a receipt therefor and register the animal for which such fee is paid in a book kept for that purpose, which book shall describe each animal by tag number, sex, name, color, age, kind of dog and name and address of the owner or keeper, and if female, whether spayed or not. (1970 Code § 5-11)

E. Dog Tags And Collars:

1. Issuance Of Metal Tag: Upon payment of the license fee under subsection A of this section, the town clerk-treasurer, town marshal, or other town agent shall issue to the dog owner a license certificate in the form of a receipt and a metallic tag for each dog so licensed. The tag shall have stamped thereon the year for which it was issued and the number appearing on the certificate.

2. Collar Required: Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and it shall be the duty of the owner to see that the collar and tag are constantly worn.

3. Nontransferable: The license provided for in this section shall not be transferable and shall only be fastened to the dog for which issued. Any person fastening a license tag to any dog other than the one for which it was issued shall be subject to the penalty provided, and any dog bearing a license tag issued for a different dog shall be impounded and disposed of pursuant to this article. (Ord. 39, 8-6-1973)

F. Term Of License: All registrations of dogs, as provided in this article, shall expire at twelve o'clock (12:00) midnight on May 31 of any year and are due on June 1 of each year. Registration must be completed thirty (30) days thereafter.

G. When Required:

1. Newly Brought Into Town: All dogs newly brought into town must be registered within thirty (30) days;

2. Puppies: All young dogs must be registered within thirty (30) days of becoming six (6) months old. (Ord. 67, 4-11-1988)

H. Exceptions: The provisions of this section shall not apply to dogs brought into the town for the purpose of participating in any dog show, nor to seeing eye dogs trained to assist blind persons, hearing ear, or other specially trained assistance animals, when such dogs are actually being used by persons with such disability. (Ord. 39, 8-6-1973; amd. 2008 Code)

5-3B-3: RUNNING AT LARGE:

A. Prohibited: Any dog found running at large within the town, with or without a license, is hereby declared to be a public nuisance, and it is hereby the duty of the town marshal to pick up and confine any such dog, and serve a signed complaint upon the owner of such dog found running at large. The owner of such dog shall be deemed guilty of a misdemeanor and issued a citation. (Ord. 66, 4-11-1988; amd. 2008 Code)

B. Penalty: The fine payable by the owner of the dog found running at large is as follows:

1. First offense: A fine in the amount of fifteen dollars ($15.00);

2. Second offense: A fine in the amount of fifty dollars ($50.00);

3. Third offense: A fine in the amount of one hundred dollars ($100.00); and

4. Fourth offense: Mandatory court appearance and fine at the discretion of the municipal judge, said fine not to exceed seven hundred fifty dollars ($750.00). (Ord. 66, 4-11-1988)

5-3B-4: IMPOUNDMENT:

A. Impounded Dogs; Records: Immediately upon impounding any dog, the town marshal, or other agent appointed by the town, shall record in a book to be provided by the town and by him kept for that purpose, a description of such dog. Such record shall state the sex, color, breed, estimated

age, distinguishing marks, if any, and the date and hour of impounding; and, upon final disposition of such dog, the record shall show such disposition. (Ord. 39, 8-6-1973)

B. Redemption By Owner: The owner or agent of any impounded dog shall have the privilege of claiming such dog within five (5) days after it is impounded, upon payment of such pound fees as set forth in subsection E of this section for the impoundment and care of such dogs in addition to securing a registration for such dog for the current year, in accordance with the terms of this article. (1970 Code § 5-13; amd. 2008 Code)

C. Redemption 8y Persons Other Than Owner: Any impounded dog not claimed by the owner within five (5) days may be redeemed by any other person who procures a license for such dog as provided in this article and pays the fees accrued pursuant to the provisions of subsection E of this section.

D. Disposition Of Unclaimed Dogs: Dogs not redeemed by anyone shall be disposed of by the town marshal in the most humane manner available at the time of such disposal. No dog wearing a registration tag shall be destroyed unless three (3) days' previous notice by certified mail is given to the owner or person in charge of the animal. The town marshal may, in preference to putting such dog to death, turn such dog over to some person who agrees to and does permanently remove it from the town and finds a home for the dog outside town, in which event payment of license and impoundment fees are not required. (1970 Code § 5-14)

E. Fees: The town marshal shall collect from the person owning or claiming such dog a fee of three dollars ($3.00) per day plus either the euthanasia fee, if the dog has been destroyed, or the license fee provided in this article, unless satisfactory evidence is produced that such license fee has theretofore been paid. It is the duty of the town marshal to immediately remit all sums of money collected by him to the town clerk-treasurer. (Ord. 51, 8-8-1983)

5-3B-5: VICIOUS DOGS: If any person shall keep, feed, harbor or allow to stay about the premises occupied by him within the town any vicious, unruly or ferocious dog and suffer it to be at large or insecurely confined, such person shall, upon conviction thereof, be deemed guilty of maintaining a nuisance within the town. Every day such dog is suffered to be at large or insecurely confined shall be deemed a separate offense. (Ord. 39, 8-6-1973)

5-3B-6: FEMALE DOGS IN HEAT: No person shall suffer any female dog under his control to run at large in the town while in heat. Any such dog found at large in the town shall be deemed a nuisance and the owner thereof shall, on conviction, be deemed guilty of maintaining a nuisance. Whenever any such female dog nuisance shall come to the notice of the town marshal, it shall be his duty to immediately abate the nuisance by securing and confining the dog, if practicable, or causing the owner to do so. If the owner is not known or cannot be found, and it is impractical for the town marshal to properly secure and confine the dog, the dog may be killed and, if necessary, the town marshal may follow such dog outside the town limits for that purpose. (Ord. 39, 8-6-1973)

5-3B-7: BARKING DOGS: No person shall keep, feed, harbor or allow to stay about any premises occupied or controlled by him, any dog which by loud and continuous barking, howling or yelping constitutes an annoyance or disturbance to any person. Such dog shall be deemed to be a public nuisance. Before any prosecution is brought, however, it shall be necessary for the complaining party to notify the owner or other persons keeping such dog by registered mail, at the same time delivering a copy of such notice to the town marshal that the dog is creating a disturbance and that unless such nuisance is abated within three (3) days after receipt of such notice, a complaint will be filed. (Ord. 39, 8-6-1973)

5-3B-8: LOOSING OF STRAYS: No person shall dump or in any manner turn loose any dog to stray upon the streets of the town. (Ord. 39, 8-6-1973)

5-3B-9: DOG KENNELS: No person shall maintain a kennel within the town. Any person maintaining such a kennel shall, upon conviction thereof, be deemed guilty of maintaining a nuisance. (Ord. 39, 8-6-1973)

TITLE 6 MOTOR VEHICLES AND TRAFFIC

Subject ..... Chapter

General Provisions 1
Speed 2
Bicycles 3
Snowmobiles 4
Abandoned Vehicles 5

CHAPTER 1 GENERAL PROVISIONS

SECTION:

6-1-1: Definitions
6-1-2: Portions Of Uniform Act Regulating Traffic Adopted
6-1-3: Driving Under Influence
6-1-4: Violations; Penalties

6-1-1: DEFINITIONS:

A. General Definitions: For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AUTHORIZED EMERGENCY VEHICLES:

A. Vehicles of fire departments, fire patrols, game and fish law enforcement personnel, livestock board law enforcement personnel, brand inspectors, law enforcement agencies, public and private ambulances, medical rescue units and extrication rescue units;

B. Privately owned vehicles used by members of a fire department or emergency service organization while performing or traveling to perform assigned firefighting or emergency service duties are authorized emergency vehicles if:

1. Authorized, in writing, by the governing body of the town;

2. Equipped with at least one flashing red, white or amber light visible from the front of the vehicle; and

3. Equipped with a marker on the front of the vehicle indicating the department or organization with which affiliated.

BUS: Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

BUSINESS DISTRICT: The territory contiguous to and including a street when within any six hundred feet (600') along such street there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet (300') of frontage

on one side or three hundred feet (300') collectively on both sides of the street.

CONTROLLED ACCESS ROADWAY: Every street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by public authority having jurisdiction over such street or roadway.

CROSSWALK:

A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline;

B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DRIVER: Every person who drives or is in actual physical control of a vehicle.

EXPLOSIVES: Any chemical compounds, mixtures or devices, the primary or common purpose of which is to function by explosion, e.g., with substantially instantaneous release of gas and heat, unless the compounds, mixtures or devices are otherwise specifically classified. Explosives are classified as follows, commensurate with the degree of hazard:

A. Class A: Detonating, or otherwise of maximum hazard, e.g., black powder;

B. Class B: Rapid combustion rather than detonation, e.g., igniter;

C. Class C: Minimum hazard, e.g., fireworks.

FARM TRACTOR: Every motor vehicle designed and used exclusively as a farm implement for drawing plows, mowing machines and other implements of husbandry.

FLAMMABLE LIQUID: Any liquid which has a flashpoint below one hundred degrees Fahrenheit (100°F) and has a vapor pressure not exceeding

forty (40) pounds per square inch (absolute) at one hundred degrees Fahrenheit (100°F).

INTERSECTION:

A. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two (2) streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

B. Where a street includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such street shall be regarded as a separate intersection.

LANED ROADWAY: A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

MOTOR DRIVEN CYCLE: Any motorcycle, including motor scooters and motorized bicycles having an engine with less than one hundred fifty (150) cubic centimeters' displacement or with five (5) brake horsepower or less but does not include motorized skateboards.

MOTORCYCLE: Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, excluding off road recreation vehicles as defined in Wyoming Statutes subsection 31-1-101 (a)(xv)(K), but including a motor vehicle designed as a recreational vehicle primarily for off road use to be ridden astride and to travel on four (4) wheels.

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices not inconsistent with the provisions of this title placed or erected by the governing body or by an official with proper authority of the governing body for the purpose of regulating, warning or guiding traffic.

OWNER: A person who holds the legal title of a vehicle or: a) if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the

conditional vendee or lessee, or b) if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter (1).

PARK: When prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

PEDESTRIAN: Any person afoot.

POLICE OFFICER: Every officer authorized to direct or regulate traffic or make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

RESIDENCE DISTRICT: The territory contiguous to and including a street not comprising a business district when the property on such street for a distance of three hundred feet (300') or more is, in the main, improved with residences or residences in buildings in use for business.

RIGHT OF WAY: The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY: That portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder. In the event a street includes two (2) or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

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1. See section 6-1-2 of this chapter.

SAFETY ZONE: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SCHOOL BUS: Every motor vehicle that complies with the color and

identification requirements set forth in the most recent edition of "Minimum Standards For School Buses" and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of schoolchildren.

SEMITRAILER: Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

SIDEWALK: That portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

STOP: When required, means complete cessation from movement.

STOP, STOPPING OR STANDING: When prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

STREET: The entire width between the boundary lines of every way publicly maintained or, if not publicly maintained, dedicated to public use, when any part thereof is open to the use of the public for purposes of vehicular travel.

THROUGH STREET: Every street or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield the right of way to vehicles on such through highway in obedience to a stop sign, yield sign or other official traffic control device, when such sign or device is properly erected.

TRAFFIC: Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for purposes of travel.

TRAFFIC CONTROL SIGNAL: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

TRAILER: Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight and that of its load rests upon or is

carried by another vehicle.

TRUCK: Every motor vehicle designed, used or maintained primarily for the transportation of property.

TRUCK TRACTOR: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

URBAN DISTRICT: The territory contiguous to and including any public street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet (100') for a distance of one-fourth Cf4) mile or more.

VEHICLE: Every device, in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.

B. Undefined Words Or Phrases: Words or phrases used in this title and not defined by this section but defined in Wyoming Statutes section 31-5-102 shall have the meanings set out in Wyoming Statutes section 31-5-102. (1970 Code § 13-1; amd. 2008 Code)

6-1-2: PORTIONS OF UNIFORM ACT REGULATING TRAFFIC ADOPTED:

A. Provisions Adopted: Wyoming Statutes sections 31-5-103 through 31-5-107, 31-5-115 through 31-5-119, 31-5-201 through 31-5-210, 31-5-212, 31-5-214 through 31-5-226, 31-5-229 through 31-5-232, 31-5-304, 31-5-402, 31-5-405, 31-5-406, 31-5-503 through 31-5-512, 31-5-601 through 31-5-607, 31-5-901, 31-5-910 through 31-5-922, 31-5-924 through 31-5-932, 31-5-937, 31-5-939, 31-!5-950 through 31-5-959, 31-5-970, 31-5-1102 through 31-5-1108, 31-5-1110 through 31-5-1112, 31-5-1201 through 31-5-1214, 31-6-102 through 31-6-106, and 31-18-602 are hereby adopted by reference and incorporated into this section as a part of this section as fully as if completely set out herein. (1970 Code § 13-2; amd. 2008 Code)

B. Amendment By Legislature: Should the Wyoming state legislature amend, modify or repeal any of the provisions of the uniform act regulating traffic on highways adopted by this town, the amended, modified, or repealed provisions shall automatically be adopted and incorporated by reference into this section.

C. Copy On File: One copy of such provisions and amendments shall be kept on file in the office of the town clerk-treasurer where it shall be available for inspection by the public during the normal office hours of the town clerk-treasurer. (1970 Code § 13-2)

6-1-3: DRIVING UNDER INFLUENCE:

A. Definitions: As used in this section:

ALCOHOL CONCENTRATION: A. The number of grams of alcohol per one hundred milliliters (100 ml) of blood;

B. The number of grams of alcohol per two hundred ten liters (210 I) of breath; or

C. The number of grams of alcohol per seventy five milliliters (75 ml) of urine.

CONTROLLED SUBSTANCE: Includes:

A. Any drug or substance defined by Wyoming Statutes subsection 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.

CONVICTION: As defined in Wyoming Statutes subsection 31-7-102(a)(xi).

DRIVER'S LICENSE: As defined in Wyoming Statutes subsection 31-7-102(a)(xxv) and includes nonresident operating privileges as defined in Wyoming Statutes subsection 31-7-102(a)(xxx).

OTHER LAW PROHIBITING DRIVING WHILE UNDER THE INFLUENCE: A statute of 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, alcohol, controlled substances or drugs.

B. Prohibited: 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 the elements named in subsections B2a and B2b of this section.

C. Presumptions At Trial: 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 person's 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 (0.05%) 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 (0.05%) and less than eight one-hundredths of one percent (0.08%), 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.

D. Other Competent Evidence: 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 (3) 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.

E. Penalty: Any person charged under this section shall be prosecuted under Wyoming Statutes section 31-5-233 or this chapter and not under a reduced charge or dismissed, unless the prosecuting attorney in open court moves or files a statement to reduce the charge or dismiss, with supporting facts, stating that there is insufficient evidence to

sustain the charge.

F. Chemical Analysis: Chemical analysis of a person's blood, breath or urine to determine alcohol concentration or controlled substance content shall be performed in accordance with Wyoming Statutes subsection 31-6-105(a). (2008 Code)

6-1-4: VIOLATIONS; PENALTIES:

A. Misdemeanor: It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is declared to be a felony by state law.

B. Penalty: Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be subject to penalty as provided in section 1-4-1 of this code. (1970 Code § 13-8; amd. 2008 Code)

CHAPTER 2 SPEED

SECTION:

6-2-1: Basic Rule
6-2-2: Maximum Speed
6-2-3: School Zones

6-2-1: BASIC RULE: No person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. (1970 Code § 13-3)

6-2-2: MAXIMUM SPEED: Except when a special hazard exists that requires lower speed for compliance with section 6-2-1 of this chapter or the posted speed limit is otherwise, the limits specified in this chapter shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits. (1970 Code § 13-3)

6-2-3: SCHOOL ZONES: The maximum lawful speed shall be twenty (20) miles per hour when passing a school building, the grounds thereof, or a school crossing during the hours of eight o'clock (8:00) A.M. to five o'clock (5:00) P.M., Monday through Friday, during the regular school term; provided, that the presence of such school building, grounds thereof or school crossing is indicated plainly by signs or signals conforming to the provisions of this code. (1970 Code § 13-3)

CHAPTER 3 BICYCLES

SECTION:

6-3-1: Definition
6-3-2: General Rights And Duties Of Riders
6-3-3: Number Of Riders
6-3-4: Riding On Roadways And Designated Paths
6-3-5: Carrying Articles
6-3-6: Lamps And Other Equipment
6-3-7: Violation; Penalty

6-3-1: DEFINITION: For the purposes of this chapter, the word "bicycle" shall mean every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels except scooters and similar devices. (2008 Code)

6-3-2: GENERAL RIGHTS AND DUTIES OF RIDERS: Every person propelling a vehicle by human power or riding a bicycle has all of the rights and all of the duties applicable to the driver of any vehicle under Wyoming Statutes title 31, except as to special regulations in said title 31 and except as to those provisions which by their nature can have no application. (2008 Code)

6-3-3: NUMBER OF RIDERS: No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped, except that an adult rider may carry a child securely attached to his person in a backpack or sling. (2008 Code)

6-3-4: RIDING ON ROADWAYS AND DESIGNATED PATHS:

A. Right Side Of Roadway: Every person operating a bicycle upon a roadway 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.

B. Riding Two Abreast: Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

C. Use Of Path Required: Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway. (2008

Code)

6-3-5: CARRYING ARTICLES: No person operating a bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the bicycle. A person operating a bicycle shall keep at least one hand upon the handlebars at all times. (2008 Code)

6-3-6: LAMPS AND OTHER EQUIPMENT:

A. Lights; Reflectors: Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet (500') to the front and with a red reflector on the rear of a type approved by the highway department which shall be visible from six hundred feet (600') to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to the red reflector.

B. Sirens Or Whistles: A bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

C. Brakes: Every bicycle shall be equipped with a brake which will enable the operator to stop the bicycle within twenty five feet (25') from a speed of ten (10) miles per hour on dry, level, clean pavement. (2008 Code)

6-3-7: VIOLATION; PENALTY:

A. Misdemeanor: It is a misdemeanor for any person to do any act forbidden or fail to perform any act required by this chapter.

B. Parent Or Guardian: The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any provision of this chapter. (2008 Code)

CHAPTER 4 SNOWMOBILES (1)

SECTION:

6-4-1: Definition
6-4-2: Unlawful Operation

6-4-1: DEFINITION: An "over snow vehicle" or "snowmobile" is hereby defined as a mechanically driven vehicle of a type which utilizes sled type runners, skiis, or any endless tread, or combination of these, designated primarily for operation over snow. (Ord. 52, 1-4-1984)

6-4-2: UNLA WFUL OPERATION: It shall be unlawful for any person to drive or operate any snowmobile at any place within the town in the following ways or under the following circumstances:

A. Uniform Traffic Code: Without following the uniform traffic code applying to motor vehicles and observing all traffic signs, signals, rules and regulations.

B. Registration: Without a proper and valid registration from the state of Wyoming, issued in accordance with Wyoming Statutes section 31-2-402 et seq.

C. Lights: Without a lighted headlamp and taillamp at all times while operating a snowmobile in the town.

D. Riding Abreast: Abreast of another snowmobile upon any street, alley or highway.

E. Hours Of Operation: Between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., unless in an emergency or being used for working or agricultural purposes.

_____

1. WS § 31-5-801(iii).

F. Limit On Riders: With more than two (2) people riding a snowmobile at one time.

G. Private Property: Upon private property, other than that of the snowmobile owner or operator, without express permission of the owner.

H. Muffler: Without a muffler in good working order and connected to the snowmobile exhaust system.

I. Under The Influence: While under the influence of intoxicating liquor, narcotics or habit forming drugs.

J. Minimum Age: Under fourteen (14) years of age. (Ord. 52, 1-4-1984)

CHAPTER 5 ABANDONED VEHICLES

SECTION:

6-5-1: Vehicles Constituting A Nuisance
6-5-2: Abandoned Or Junk Vehicles; Authority

6-5-1: VEHICLES CONSTITUTING A NUISANCE:

A. Prohibited: No person shall abandon or leave any vehicle upon any private property for such time and under such circumstances as to cause such vehicle to become a nuisance. (1970 Code § 14-4)

B. Prima Facie Evidence Of Existence Of Nuisance: For the purposes of this section, anyone of the following circumstances existing prior to, or at the time notice is delivered pursuant to subsection C1 of this section shall be considered prima facie evidence that a vehicle upon private property is an abandoned vehicle constituting a nuisance:

1. When any of the four (4) tires or the main wheels of such vehicle have been removed or are deflated, other than for repair.

2. When such vehicle is totally or partially suspended above the ground by jacks, blocks or any other lifting devices, other than for repair. (1970 Code § 14-5)

C. Removal:

1. Written Notice To Remove: No person in charge or control of any private property whether as owner, tenant, occupant, lessee, contract purchaser or otherwise, shall allow any abandoned vehicle which constitutes a nuisance to remain on such property longer than five (5) days after having received written notice to remove same from the municipality. Notice shall be deemed delivered when deposited in the United States mail, by registered or certified mail, with postage prepaid, and addressed to the owner or occupant of the premises upon which such vehicle rests.

2. Failure To Remove; Abatement By Town; Costs: Upon the failure of the person in charge or control of such property to remove the vehicle within the allotted time, the town may abate the vehicle as a nuisance and the cost of the abatement shall be taxed against the person responsible and

shall likewise be levied and taxed against the premises upon which such nuisance is found to exist, and shall constitute a lien against such premises as a special tax, to be enforced and collected as other special taxes are enforced and collected in said town.

3. Penalty: The abatement of the nuisance by the town shall not relieve the person in charge or control of such property of any penalty imposed for his violation of this section by section 1-4-1 of this code. (1970 Code § 14-6)

6-5-2: ABANDONED OR JUNK VEHICLES; AUTHORITY:

A. Power Of Town To Take Into Custody: The town may take into custody abandoned, junk motor vehicles and parts or remains thereof which are nuisances and are on public property or on public streets, alleys and ways. (1970 Code § 14-7)

B. Removed At Owner's Expense; Notice: The town may remove and store the abandoned or junk motor vehicle and parts or remains thereof at the expense of the owner of the vehicle. No vehicle shall be removed by the town unless five (5) days' written notice is given to the owner. (1970 Code § 14-8)

C. Redemption: In the event the town removes and stores abandoned or junk motor vehicles and parts and remains thereof, the owner of the property shall have five (5) days within which to redeem the property by paying all expenses incurred by the town in removing and storing the same. (1970 Code § 14-9)

D. Sale; Proceeds:

1. Public Notice; Sale: If the property is not redeemed within five (5) days, the town may sell the same without warranty at public auction after having given public notice by publication at least once in a newspaper of general circulation within the town.

2. Expenses: The expenses incurred in removing and storing the property, giving notice and holding a public sale shall be paid from the proceeds of the sale.

3. Unclaimed Proceeds: After an elapse of thirty (30) days, the unclaimed proceeds of the sale shall be deposited in the general fund of the town. (1970 Code § 14-10)

TITLE 7 PUBLIC WAYS AND PROPERTY

Subject ..... Chapter

Franchises 1

CHAPTER 1 FRANCHISES

SECTION:

7-1-1: Incorporated By Reference
7-1-2: Copy On File
7-1-3: Amendments Or Modifications

7-1-1: INCORPORATED BY REFERENCE: Each franchise granted by the town is hereby incorporated in this chapter as fully as if set out at length herein and the provisions thereof shall be controlling within the town during the period of the franchise agreement. (1970 Code § 8-1)

7-1-2: COpy ON FILE: At least one copy of each ordinance granting a franchise from the town shall be kept on file in the office of the town clerk-treasurer. The copy shall remain on file during the period of the franchise agreement. (1970 Code § 8-1)

7-1-3: AMENDMENTS OR MODIFICATIONS: At least one copy of each ordinance amending or modifying the franchise shall be kept with the copy of the franchise. (1970 Code § 8-1)

TITLE 8 FIRE REGULATIONS

Subject ..... Chapter

Volunteer Fire Department 1

CHAPTER 1 VOLUNTEER FIRE DEPARTMENT

SECTION:

8-1-1: Created
8-1-2: Bylaws

8-1-1: CREATED: There is hereby created for the town a volunteer fire department. (1970 Code § 9-1)

8-1-2: BYLAWS: The Elk Mountain fire department shall be governed by such bylaws as it shall adopt from time to time. (1970 Code § 9-2)

TITLE 9 BUILDING REGULATIONS

Subject ..... Chapter

Building Permits 1
Uniform Code For Abatement Of
    Dangerous Buildings 2
Building Numbers 3
Solar Energy Systems 4

CHAPTER 1 BUILDING PERMITS

SECTION:

9-1- 1: Building Permit Required
9-1- 2: Exemptions
9-1- 3: Application
9-1- 4: Fee
9-1- 5: Issuance
9-1- 6: Expiration
9-1- 7: Violation Not Authorized
9-1- 8: Suspension Or Revocation
9-1- 9: Penalty
9-1-10: Form, Building Permit

9-1-1: BUILDING PERMIT REQUIRED:

A. Permit Required: It is unlawful for any person, firm or corporation to perform any of the following kinds of work or activities or cause the same to be done without first obtaining a separate permit for each separate building or structure:

1. Regulated By Uniform Building Code: Erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the uniform building code, except as specified in this chapter;

2. Regulated By Uniform Plumbing Code: Make any installation, alteration, repair, replacement or remodel any plumbing system regulated by the uniform plumbing code, except as specified in this chapter;

3. Regulated By Uniform Mechanical Code: Make any installation, alteration, repair, replacement or remodel any mechanical system regulated by the uniform mechanical code, except as specified in this chapter;

4. Regulated By Uniform Electrical Code: Make any installation, alteration, repair, replacement or remodel any electrical system regulated by the uniform electrical code, except as specified in this chapter;

5. Signs: Erect, reerect, construct, alter or maintain any sign or sign structure except as specified in this chapter. A separate permit shall be required for a sign or signs for each business entity.

B. Separate Permits Required: Separate permits for plumbing

work, mechanical work, electrical work and signs shall be required whenever the work is not included as part of the work of a project for which a permit has been issued. (Ord. 60, 7-9-1984)

9-1-2: EXEMPTIONS: A. Construction Work: A permit will not be required for the following construction work:

1. One story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the project roof area does not exceed one hundred fifty (150) square feet;

2. Oil derricks;

3. Cases, counters and partitions not over five feet (5') high;

4. Retaining walls which are not over four feet (4') in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids;

5. Water tanks supported directly upon grade if the capacity does not exceed five thousand (6,000) gallons and the ratio of height to diameter or width does not exceed two to one (2: 1);

6. Platforms, walks and driveways not more than thirty inches (30") above grade and not over any basement or story below;

7. Painting, papering and similar finish work;

8. Temporary motion picture, television and theater stage sets and scenery;

9. Window awnings supported by an exterior wall of group R, division 3, and group M occupancies when projecting not more than fifty four inches (54");

10. Prefabricated swimming pool accessory to a group R, division 3 occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand (5,000) gallons.

B. Plumbing Work: A permit will not be required for the following exclusively plumbing work whenever the work is not incidental to construction work requiring a building permit:

1. The stopping of leaks in drains, soil waste or vent pipe;

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of plumbing fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures;

3. Replacement of damaged and/or defective traps, drainpipe, soil pipes, waste pipes, vent pipes and plumbing fixtures whenever such work is performed by a licensed plumbing contractor;

4. Removal and replacement of any hot, cold or steam pipmq, provided such work is performed by a licensed plumbing contractor;

5. Upgrading of any existing plumbing system including valves, fixtures, traps, drainpipes, soil pipes, waste pipes, vent pipes, hot and cold water pipes, nor steam pipes when such work is performed by a licensed plumbing contractor and further provided the total value of all such work does not exceed one thousand dollars ($1,000.00).

C. Mechanical Work: A permit will not be required for the following exclusively mechanical work whenever it is not incidental to construction work requiring a building permit:

1. Any portable heating appliance, portable ventilating equipment, portable cooling unit or portable evaporative cooler;

2. Any closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the plumbing code;

3. Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the plumbing code;

4. Any refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the plumbing code;

5. Any unit refrigerating system;

6. Removal and replacement of any air duct system provided such work is performed by a licensed mechanical contractor and further provided the total value of all such work does not exceed one thousand dollars ($1,000.00).

D. Electrical Work: A permit will not be required for the following exclusively electrical work whenever the work is not incidental to construction work requiring a building permit and provided the work is performed by an electrical contractor and does not exceed five hundred dollars ($500.00) in value for single-family residences nor more than two thousand dollars ($2,000.00) in value for any other type of structure:

1. Electrical maintenance work including the removal and replacement of defective wiring and apparatus;

2. Upgrading existing electrical wiring systems including switches, outlets, fixtures, etc., but not to include new electrical services;

3. Minor extensions of existing electrical circuits in conformance with the provisions of the electrical code.

E. Sign Work: A permit will not be required for the following sign work:

1. The changing of the advertising copy or message on a painted or printed sign only. Except for theater marquees and similar signs specifically designed for the use of replaceable copy, electrical signs shall not be included in this exemption;

2. Painting, repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon shall not be considered an erection or alteration which requires a sign permit unless a structural change is made;

3. Signs less than six feet (6') above grade.

F. Violation Not Authorized: Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in violation of the provisions of the adopted codes or any other laws or ordinances of the town. (Ord. 60, 7-9-1984)

9-1-3: APPLICATION:

A. Form; Filing: To obtain a permit, the applicant shall first file an application therefor, in writing, on a form furnished by the town clerk-treasurer for that purpose.

B. Contents: Each such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;

3. State the valuation of the work to be done;

4. Be signed by permittee, or his authorized agent, who may be required to submit evidence to indicate such authority;

5. Give such other data and information as may be required by the town clerk-treasurer. (Ord. 60, 7-9-1984)

9-1-4: FEE: The fee for each permit shall be ten dollars ($10.00). (Ord. 60, 7-9-1984)

9-1-5: ISSUANCE: The application shall be reviewed by the town zoning officer and if it is determined that the proposed construction is not in violation of the zoning ordinance and the appropriate fee has been paid, the permit shall be issued. If there is some potential violation of the zoning ordinance, the building permit application shall be referred to the zoning board for consideration of any necessary zone changes. (Ord. 60, 7-9-1984; amd. 2008 Code)

9-1-6: EXPIRATION:

A. Term: Every permit issued by the town clerk-treasurer under the provisions of this chapter shall expire by limitations and become null and void if the building or work authorized by the permit is not commenced within one hundred eighty (180) days from the date of the permit, or if the building or work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before the work can be recommended, a new permit shall first be obtained to do so, and the fee therefor shall be one-half 02) the amount required for a new permit for the work, provided no changes have been made or will be made in the original plans and specifications for the work; and provided further, that the

suspension or abandonment has not exceeded one year.

B. Extension: Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this chapter for good and satisfactory reasons. The town clerk-treasurer may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. (Ord. 60, 7-9-1984)

9-1-7: VIOLATION NOT AUTHORIZED: The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter, the adopted technical codes or of any other ordinance of the town. No permit presuming to give authority to violate or cancel the provisions of the adopted codes shall be invalid. (Ord. 60, 7-9-1984)

9-1-8: SUSPENSION OR REVOCATION: The town zoning officer may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this title. (Ord. 60, 7-9-1984; amd. 2008 Code)

9-1-9: PENALTY: Any person found guilty of violation of the provisions of this chapter shall be punished in accordance with section 1-4-1 of this code. (Ord. 60, 7-9-1984)

9-1-10: FORM, BUILDING PERMIT:

PERMIT No. _____

TOWN OF ELK MOUNTAIN

BUILDING PERMIT

I hereby apply for a permit to build in the Town of Elk Mountain a structure conforming to the Elk Mountain Zoning Ordinances of 1984.

_____ _____
Date Applicant or Authorized Agent

Project Description: _____
_____
_____
_____
_____

Location Description (legal land description and/or street address):
_____
_____
_____

Valuation of work to be done: _____
_____
_____
_____

Approved:

_____ _____
Elk Mountain Zoning Officer Date

_____ _____
Elk Mountain Town Clerk-Treasurer Date

A Certificate of Occupancy must be signed by the Elk Mountain Zoning Officer before the structure can be used.

(Ord. 60, 7-9-1984)

CHAPTER 2 UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS

SECTION:

9-2-1: Adoption
9-2-2: Amendments, Modifications, Additions And Deletions
9-2-3: Filing And Availability Of Code And Amendments

9-2-1: ADOPTION: There is hereby adopted by the town for purposes of prescribing regulations for the minimum standards to safeguard life, health, property and public welfare, that certain suggested code known as the uniform code for the abatement of dangerous buildings, being particularly the latest edition thereof, and the whole thereof, save and except such portions as are modified, deleted, added or amended pursuant to the provisions of section 9-2-2 of this chapter, and the same is hereby incorporated in this section as fully as if set out at length herein and the provisions thereof shall be controlling within the town. (1970 Code § 14-11; amd. 2008 Code)

9-2-2: AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS: The code adopted by section 9-2-1 of this chapter shall have such amendments, modifications, additions or deletions as the governing body of the town shall, from time to time, adopt by ordinance. (1970 Code § 14-12)

9-2-3: FILING AND AVAILABILITY OF CODE AND AMENDMENTS: At least one copy of the code adopted by section 9-2-1 of this chapter and any ordinance providing for amendments, modifications, additions or deletions in such code (adopted by the governing body of the town) shall be available for public inspection during the normal office hours of the town clerk-treasurer. One copy of each ordinance amending or modifying such code shall be kept with each copy of such code and made available for public inspection at the same time as and in the same manner as such code. (1970 Code § 14-13)

CHAPTER 3 BUILDING NUMBERS

SECTION:

9-3-1: Numbering System
9-3-2: Visibility And Size Requirement
9-3-3: Persons Responsible For Posting
9-3-4: Nonconformity
9-3-5: Violation; Penalty

9-3-1: NUMBERING SYSTEM:

A. Designated: All streets running easterly and westerly shall be designated and known in those parts thereof east of Bridge Street as "East" and the numbers on the houses thereon shall increase from west to east, and in those parts thereof west of Bridge Street as "West" and the numbers on the houses thereon shall increase from east to west. All streets running northerly and southerly shall be designated and the numbers on the houses thereon shall increase from north to south beginning with Main Street.

B. First Lot In Each Block: The first lot in each block shall be issued numbers 01 going south and east or 02 going north and west depending on the side of the street it is on.

C. Mobile Home Parks: Mobile home parks shall be numbered by lot address, plus each mobile home within shall be assigned a numerical space number. (Ord. 76, 11-13-1989)

9-3-2: VISIBILITY AND SIZE REQUIREMENT: The street number issued to each structure shall be posted visible to the street. All numbers must be at least two and one-half inches (21/2") tall and must face the street listed on the street address. (Ord. 76, 11-13-1989)

9-3-3: PERSONS RESPONSIBLE FOR POSTING: The owner of the premises shall be responsible for posting the appropriate street number. (Ord. 76, 11-13-1989)

9-3-4: NONCONFORMITY: It shall be unlawful for any person to erect or maintain any house or building numbered not in conformity with the provisions of this chapter. (Ord. 76, 11-13-1989)

9-3-5: VIOLATION; PENALTY: Violation of any provision of this chapter shall be a misdemeanor in the town, as to the owner of the property, and each day of violation thereafter shall constitute a separate offense. (Ord. 76, 11-13-1989)

CHAPTER 4 SOLAR ENERGY SYSTEMS

SECTION:

9-4- 1: Title
9-4- 2: Authorization
9-4- 3: Purpose; Intent
9-4- 4: Definitions
9-4- 5: Solar Access Permit
9-4- 6: Application For Permit; Fee
9-4- 7: Recording Of Solar Rights And Permits
9-4- 8: Use Regulations
9-4- 9: Exceptions
9-4-10: Variances
9-4-11: Enforcement
9-4-12: Model Application/Permit For Solar Access

9-4-1: TITLE: These regulations shall be known and may be cited as the SOLAR ZONING ORDINANCE of the town of Elk Mountain. (Ord. 46, 8-10-1981)

9-4-2: AUTHORIZATION: Authorization for these regulations is contained in Wyoming Statutes sections 34-22-101 through 34-22-106. (Ord. 46, 8-10-1981)

9-4-3: PURPOSE; INTENT:

A. Purpose: The purpose of this chapter is to protect the health, safety, and general welfare of the community by encouraging the use of solar energy systems. The overall objective of these regulations is to provide adequate protection from interference by structures, trees or topography.

B. Intent: It is the intent of these regulations to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owners and to establish solar collectors as a permitted use in all zoning or land use districts. (Ord. 46, 8-10-1981)

9-4-4: DEFINITIONS: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

SOLAR COLLECTOR: One of the following which is capable of collecting, storing or transmitting at least twenty five thousand (25,000) BTUs on a clear winter solstice day:

A. A wall, clerestory or skylight window designed to transmit solar energy into a structure for heating purposes;

B. A greenhouse attached to another structure and designed to provide part of the heating load for the structure to which it is attached;

C. A trombe wall, drum wall or other wall or roof structural element designed to collect and transmit solar energy into a structure;

D. A photovoltaic collector designed to convert solar energy into electric energy;

E. A plate type collector designed to use solar energy to heat air, water or other fluids for use in hot water or space heating or other applications;

F. A massive structural element designed to collect solar energy and transmit it to internal spaces for heating.

SOLAR RIGHT: A property right to an unobstructed line of sight path from a solar collector to the sun which permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by that illumination provided by the path of the sun on the winter solstice day which is put to a beneficial use or otherwise limited by this chapter.

WINTER SOLSTICE DAY: The solstice on or about December 21 which marks the beginning of winter in the northern hemisphere and is the time when the sun reaches its southernmost point. (Ord. 46, 8-10-1981; amd. 2008 Code)

9-4-5: SOLAR ACCESS PERMIT:

A. Required: A solar permit shall be granted before a solar right may be established.

B. Granted On Compliance: A solar permit shall be granted for any proposed or existing solar collector which complies with the requirements of this chapter.

C. Vesting; Certification: The solar right vests on the date the solar permit is granted. The solar collector shall be put to beneficial use within two (2) years except additional time may be granted for good cause. The building inspector or other designated administrative official shall certify the right and its beneficial use within two (2) years of its vesting. (Ord. 46, 8-10-1981)

D. Existing Solar Collector Users: Existing solar collector users shall apply for permits within five (5) years after the date hereof. The priority date shall be the first date the solar collector was beneficially used. (Ord. 46, 8-10-1981; amd. 2008 Code)

E. Time Limit: A solar right which is not applied to a beneficial use for a period of five (5) years or more shall be deemed abandoned and without priority. (Ord. 46, 8-10-1981)

9-4-6: APPLICATION FOR PERMIT; FEE:

A. Application: Any person who desires to obtain a solar right shall first make application to the building inspector or other designated administrative official for a solar access permit.

B. Filing; Fee: The application for a permit, along with the required fee, shall be filed on a form furnished for that purpose. Information adequate to determine compliance with this chapter shall accompany the application.

C. Issuance: The building inspector or other designated administrative official after review of the application shall grant a solar access permit for any proposed or existing solar collector which complies with this chapter. (Ord. 46, 8-10-1981)

9-4-7: RECORDING OF SOLAR RIGHTS AND PERMITS: The granting of solar permits and the transfer of solar rights shall be recorded pursuant to Wyoming Statutes 34-1-101 through :34-1-140. The instrument granting the solar permit shall include a description of the collector surface or that portion of the collector surface to which the permit is granted. The description shall include the dimensions of the collector surface, the direction of orientation, the height above ground level, the location of the collector on the solar user's property and the date the solar permit was granted. (Ord. 46, 8-10-1981; amd. 2008 Code)

9-4-8: USE REGULATIONS:

A. Shading Of Collectors: Except as otherwise provided by this chapter, it is unlawful for any person to erect a building or other structure, or to allow a tree, shrub, or other vegetation to cast a shadow upon a solar collector which is greater than the shadow cast by a hypothetical ten foot (10') high wall located along the property lines, between

the hours of nine o'clock (9:00) A.M. and three o'clock (3:00) P.M., Mountain Standard Time, on the winter solstice day.

B. Location: Solar collectors shall be located on the solar user's property so as not to unreasonably or unnecessarily restrict the uses of neighboring property. (Ord. 46, 8-10-1981)

9-4-9: EXCEPTIONS: Structures or vegetation which existed prior to the time of installation of the solar energy collection system or the effective date hereof shall not be subject to the requirements of section 9-4-8 of this chapter. (Ord. 46, 8-10-1981)

9-4-10: VARIANCES: Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree or other vegetation, or otherwise use his/her property, not in conformance with this chapter, may apply for a variance from the board of adjustment. A variance shall not be approved by the board unless it finds the literal enforcement or application of these regulations would result in unnecessary hardship. (Ord. 46, 8-10-1981)

9-4-11: ENFORCEMENT:

A. Enforcement Official: The building inspector or other designated administrative official shall enforce this chapter and bring to the attention of the town attorney any violations or lack of compliance.

B. Penalties: Penalties for violations of this chapter shall be in accordance with appropriate legal remedies including injunctive relief and the general penalties provision of this code of ordinances. (Ord. 46, 8-10-1981)

9-4-12: MODEL APPLICATION/PERMIT FOR SOLAR ACCESS:

MODEL

APPLICATION/PERMIT FOR SOLAR ACCESS

Application No. _____

Name of applicant _____
Address _____
Phone _____

Location of property
Section _____ Township _____
Range _____ Other _____
(Attach copy of legal description)

Present zoning district _____

Description of Solar Collector
Dimensions _____
Orientation _____
Height above ground _____
Location on property _____

BTUs collected, stored or transmitted on a clear winter solstice day
_____
_____

Other Information _____
_____
_____
_____

Description of adjacent property or other property which could interfere with solar access:

Existing structures
Height _____
Location _____
Existing vegetation
Height _____
Location _____
Other information _____
_____
_____

_____ _____
Applicant's signature Date

(Official use only)

Permit approved _____ _____
Authorized official Date

Conditions or comments: _____
_____

If denied, reasons why: _____
_____
_____

(Ord. 46, 8-10-1981)

TITLE 10 WATER AND SEWER

Subject ..... Chapter

Water Regulations 1
Sewer Regulations 2
Sewer User Charges 3
Cross Connection Control 4

CHAPTER 1 WATER REGULATIONS

SECTION:

10-1- 1: Water And Wastewater Superintendent
10-1- 2: Consumer
10-1- 3: Regulation Of Water System
10-1- 4: Application For Water Service; Fees
10-1- 5: Fees
10-1- 6: Duties Of Water Department
10-1- 7: Protection Of Water System
10-1- 8: Inspection Of Work
10-1- 9: Cross Connections
10-1-10: Use During Emergency
10-1-11: Waste
10-1-12: Shutoff Notice
10-1-13: Responsibility For Payment
10-1-14: Billing Of Customers
10-1-15: Water Rates
10-1-16: Review Of Rates
10-1-17: Turnoff For Nonpayment; Fee
10-1-18: Right Of Access
10-1-19: Fire Hydrants
10-1-20: Unoccupied Residences
10-1-21: Enforcement

10-1-1: WATER AND WASTEWATER SUPERINTENDENT:

A. Appointment: There shall be appointed by the mayor, with the approval of the council, a water superintendent and a wastewater superintendent. These two (2) positions may be held by the same person. In the performance of their duties as such, they shall be subject only to the orders and directions of the mayor and town council, to the end that the greatest good to the most people shall be obtained from the maintenance and operation of said systems, whether installed by or to be installed by said departments, or by the property owner, or by any other person.

B. Term: After assuming office, the appointed officers shall serve until their successors are appointed by the mayor and approved by the council. (Ord. 05-02, 4-11-2005)

10-1-2: CONSUMER: The term "consumer" as used in these regulations shall be held to mean the property owner, or his agent, the person responsible for the payment of all charges, and in whose name such bills are rendered. (1970 Code § 17-2)

10-1-3: REGULATION OF WATER SYSTEM:

A. Damage Or Interference Prohibited: No person shall damage or interfere with the water supply of the town, or with the pipes through which it is conveyed, or any valve or pipe used in connection with said ditches, or any pipe, hydrant or other appliance used in connection with the water system of the town, or any reservoir, dam, well, tank, pump or motor, or any other part of the property of said water system. (1970 Code § 17-3; amd. 2008 Code)

B. Permission Required: No person shall, without the approval of the town council, take water from the town water system, or open any stopcock, valve or other fixture connected with the water supply system, or in any way divert water from its course in the regular water ditches or pipes supplying water to the town.

C. Prohibited Acts: No person shall bathe or wash, or place or cast refuse or anything whatsoever, in any spring, box, valve box, pipeline, ditch, tank, well house or reservoir of the town water system, nor shall any person discharge firearms on or near said tank, well house or reservoir.

D. Irrigation Water Running On Streets, Wasting Water Prohibited: It shall be unlawful for any person to place a lawn sprinkler, hose or other sprinkler or irrigation device on his premises at such a place or in such a manner that the same sprinkles or throws water upon the street or causes water to be wasted by running in gutters.

E. Taking Water From System Without Making Proper Application: Except as otherwise provided, no person shall knowingly, either directly or indirectly, take water from the town water system without first having made proper application to the councilor water superintendent. (1970 Code § 17-3; amd. Ord. 55, 5-16-1984)

10-1-4: APPLICATION FOR WATER SERVICE; FEES: Persons, firms or corporations within the corporate limits of the town desiring water service shall make application therefor to the mayor and town councilor the water superintendent, who shall grant a permit for water service upon such terms as they or he shall deem proper. Such application shall be accompanied by payment of any necessary tap fees, charges required for meter service, or other special costs. (1970 Code § 17-4)

10-1-5: FEES:

A. Fees Established: Rates for delivery of water to town residents shall be as follows:

1. Tap Fees:

3/4" meter $400.00 plus materials
1" meter 500.00 plus materials

Larger services may be negotiated at the town's discretion.

This fee includes solely the right to connect into the town water system. It does not include the cost of any material or labor necessary for the town. Repairs and replacements are to be charged to the owner of the property served thereby. When such charges are not paid promptly, or satisfactory arrangements are not made for such payment, the water shall be turned off to the property benefited by said repairs and replacements, and shall not be turned on again until such charges are paid, together with a turnoff fee as determined from time to time by resolution of the council.

2. Water Fees (1):

a. Users Actively Using System: All residences actively using the water system will be charged an availability fee of twenty dollars ($20.00) per month.

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1. See also section 10-1-7 of this chapter.

b. Users Not Actively Using System: Residences not actively using the water system will be charged an inactive fee of seven dollars fifty cents ($7.50) per month.

B. Reading Meter; Statement; Due Date: The town will read each meter monthly between the first and fifth day of the month. Payment will be due on or before the twenty fifth day of each month.

C. Service Outside Corporate Limits: Water service may be provided to customers outside its corporate limits through negotiation with and at the discretion of the town council.

D. Use Of Funds: Revenue generated from water sales shall be used by the town as a depreciation and replacement fund and to maintain its water distribution system in good repair. (1970 Code § 17-5; amd. Ord. 45, 3-9-1981; 2008 Code)

10-1-6: DUTIES OF WATER DEPARTMENT: The water department, under the supervision of the water superintendent, shall ensure that all water mains, corporation cocks, and service pipes are laid in accordance with the requirements governing same. The town or its agent shall make any water tap connection and install any pipe in streets or public land, with the cost to be assumed by the property owner serviced thereby. (Ord. 82, 2-10-1992)

10-1-7: PROTECTION OF WATER SYSTEM: All consumers shall keep and maintain the service pipe, stopcocks, water meters and appurtenances connecting their water supply, in good repair and protected from frost, at their own expense, and no claim shall be made against the town by reason of the breaking of any such pipes and appurtenances. (1970 Code § 17-7)

10-1-8: INSPECTION OF WORK: The water superintendent, with necessary assistants, shall inspect all work done by consumers in making service pipe connections of every kind, and all work contracted by the town, and shall have the power to refuse water service to installations which are inadequate for the protection of the town water system and public health. (Ord. 83, 2-10-1992)

10-1-9: CROSS CONNECTIONS (1): As a sanitary measure, no water line will be permitted which, in the opinion of the water superintendent, could in any manner contaminate the town water system. The water may be turned off by the superintendent until such water line is corrected. (1970 Code § 17-9)

10-1-10: USE DURING EMERGENCY: It shall be unlawful for any person, during a fire, to knowingly use water from the town water system for fountain, irrigation or sprinkling purposes. (1970 Code § 17-10)

10-1-11: WASTE: No person shall waste water from the town water system, whether metered or not. No leaks in service pipe, connecting pipes or any water fixtures shall be permitted, and if not promptly repaired, so as to stop such waste of water, after notice from the water superintendent, water shall be shut off and not turned on again until such leak is repai red. (1970 Code § 7-11)

10-1-12: SHUTOFF NOTICE: Notice to property owners or tenants by the superintendent or his employees, when water is to be turned off for any official reason, shall not be required. However, the superintendent, at his discretion, may notify

property owners or tenants when water is to be shut off. (1970 Code § 17-12)

10-1-13: RESPONSIBILITY FOR PAYMENT: The property owner or lessee is hereby declared to be responsible for the payment of all water furnished on his property. All bills for use for water furnished shall be due and payable monthly upon receipt of bill by the owner or consumer in whose name the bill is rendered. (1970 Code § 17-13)

10-1-14: BILLING OF CUSTOMERS: It shall be the duty of the superintendent and office clerk to bill each consumer for all water furnished and to collect all water accounts and penalties arising under these regulations. Payment for water service shall be made monthly by the tenth day of the month in which payment is due. (Ord. 53, 3-12-1984; amd. Ord. 03-2, 6-23-2003)

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1. See also chapter 4 of this title.

10-1-15: WATER RATES: The charge for water service furnished by the town to any customers shall be as follows:

A. Connection Fee; Deposit: There will be a sixty dollar ($60.00) connect fee (nonrefundable) in addition to the sixty dollar ($60.00) utility deposit fee (refundable contingent upon no outstanding balance). This connect fee will be imposed upon every new subscriber to the water system.

B. Turnon/Turnoff Fees For Current Customers:

1. Definition: "Normal business hours" are defined as nine o'clock (9:00) A.M. until six o'clock (6:00) P.M. Monday through Friday.

2. Fees During Normal Business Hours: For current water system customers, there will be a twenty five dollar ($25.00) turnoff fee for each time the water is turned off during normal business hours. There will also be a twenty five dollar ($25.00) turnon fee for each time the water is turned back on to said residence during normal business hours. This fee is levied only for water turnoff and turnon for customers who may be out of town for an extended period of time and wish to avoid the monthly availability fee. There will be no charge to turn water off and on for repair work or emergencies.

3. Fees After Normal Business Hours: Any water turnoff or turnon required after normal business hours will be charged thirty seven dollars fifty cents ($37.50).

C. Availability Fee: All residences actively using the water system will be charged an availability fee of twenty dollars ($20.00). Residences that are not actively using the water system will be charged the inactive fee of seven dollars fifty cents ($7.50). Active users' water bills will consist of the availability fee, plus a commodity fee, as follows:

$1.50 per 1,000 gallons from 0 up to and including 20,000 gallons used

$2.00 per 1,000 gallons from 20,001 gallons to 50,000 gallons used per month

$3.00 per 1,000 gallons for any usage over 50,001 gallons used per month

D. Inactive Fee; Reconnection Fee: The inactive fee of seven dollars fifty cents ($7.50) per month will be charged on all residences turned off for nonpayment. All outstanding balances including the reconnect fee and inactive fee must be paid before the water will be turned on again. There will be a reconnect fee of twenty five dollars ($25.00) levied at the time the water is turned back on. The reconnect fee will increase to thirty seven dollars fifty cents ($37.50) if it is necessary to turn the water back on after normal business hours. Any account over thirty (30) days delinquent will be subject to being turned off for nonpayment.

E. Multiple Residences On One Meter: Multiple residences on one meter will be charged as follows: The main residence will be charged one and one-half (11/2) times the availability fee, plus the commodity fee, whether or not the additional residence is occupied. The billing will go to the main residence, with the main residence responsible for payment. Nonpayment will cause the water to be turned off at the meter until the bill is paid in full. (Ord. 03-2, 6-23-2003)

10-1-16: REVIEW OF RATES: The mayor and town council shall have the power to review and revise these rates from time to time whenever it is deemed advisable or necessary. (1970 Code § 17-16)

10-1-17: TURNOFF FOR NONPAYMENT; FEE: It shall be the duty of the superintendent to stop delivery of water to any customer if payment for water delivered has not been made by the tenth of the month in which the payment is due. Water shall not be turned on again until all payments due and owing have been made, together with the turnoff fee as set forth in section 10-1-15 of this chapter. (1970 Code § 17-17; amd. Ord. 03-2, 6-23-2003)

10-1-18: RIGHT OF ACCESS: The water superintendent, town marshal, mayor, or their representatives shall have free access at all reasonable hours to enter any premises where water is being used for the purpose of correcting any violations or turning off the water. No consumer of water shall refuse any town officer, water superintendent or employee of the water department access to the property in the discharge of their duties. (1970 Code § 17-18)

10-1-19: FIRE HYDRANTS:

A. Fee For Use: All fire hydrant users shall pay two dollars ($2.00) for each one thousand (1,000) gallons used on each job within a season.

B. Use Outside Town Limits: All persons requesting water for use outside the town limits and not having a valid water tap shall apply to the Wyoming state engineer's office for permission to take water from any fire hydrant belonging to the town.

C. Rate Of Usage: The rate of usage will be at the discretion of the town with the approval of the town's water superintendent and the town fire department.

D. Deposit Required: A deposit of one hundred fifty dollars ($150.00) for a fifty foot (50') section of hose and wrench from the fire department will be assessed. It will be mandatory that only the hose and wrench issued by the town will be used to release water from a fire hydrant. After use, the fire hydrant will be inspected for any damage. The deposit will be refunded when the hose and wrench are returned in good condition, provided the hydrant is free of damage. (Ord. 77, 5-14-1990)

10-1-20: UNOCCUPIED RESIDENCES:

A. Utility Charges: The utility charges for all unoccupied residences/sites shall be water only, at the normal rate charged for all other residences in the town.

B. Charges Waived: The sewer, garbage and landfill charges for all unoccupied residences/sites shall be waived. (Ord. 73, 4-10-1989)

10-1-21: ENFORCEMENT: It shall be the duty of the water superintendent to take special heed in securing the enforcement of the provisions of these rules and regulations, and he is hereby authorized to call upon the proper police officers for assistance in performing the same. (1970 Code § 17-19)

CHAPTER 2 SEWER REGULATIONS (1)

SECTION:

10-2-1: Definitions
10-2-2: Use Of Public Sewers Required
10-2-3: Sanitary Sewers, Building Sewers And Connections
10-2-4: Use Restrictions; Prohibited Discharges

10-2-1: DEFINITIONS: Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD): The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

BUILDING DRAIN: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER: The extension from the building drain to the public sewer or other place of disposal, also called house connection.

COMBINED SEWER: A sewer intended to receive both wastewater and storm or surface water.

_____

1. See section 10-1-1 of this title for appointment of wastewater superintendent.

EASEMENT: An acquired legal right for the specific use of land owned by others.

FLOATABLE OIL: Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE: The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

INDUSTRIAL WASTES: The wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

MAY: Is permissive. (See definition of Shall.)

NATURAL OUTLET: Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or ground water.

PERSON: Any individual, firm, company, association, society, corporation, or group.

pH: The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of 10-7.

PROPERLY SHREDDED GARBAGE: The wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") (1.247 centimeters) in any dimension.

PUBLIC SEWER: A common sewer controlled by a government agency or public utility.

SANITARY SEWER: A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

SEWAGE: The spent water of a community. The preferred term is "wastewater".

SEWER: A pipe or conduit that carries wastewater or drainage water.

SHALL: Is mandatory. (See definition of May.)

SLUG: Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN OR STORM SEWER: A drain or sewer for conveying water, ground

water, subsurface water, or unpolluted water from any source.

SUSPENDED SOLIDS: Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods For The Examination Of Water And Wastewater" and referred to as nonfilterable residue.

TOWN ENGINEER: The town engineer of the town, or his authorized deputy, agent, or representative.

UNPOLLUTED WATER: Water of a quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER: The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

WASTEWATER FACILITIES: The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used synonymously with "waste treatment plant" or "wastewater treatment plant", or "water pollution control plant".

WATERCOURSE: A natural or artificial channel for the passage of water either continuously or intermittently. (Ord. 64, 9-19-1987)

10-2-2: USE OF PUBLIC SEWERS REQUIRED:

A. Prohibited Deposits: It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human excrement, garbage, or other objectionable waste.

B. Discharge Prohibited: It shall be unlawful to discharge to any natural outlet within the town, any sewage or other

polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. Construction Or Maintenance Of Privy, Septic Tank, Cesspool: Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

D. Connection Required: The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this chapter, within thirty (30) days after date of official notice to do so; provided, that said public sewer is within three hundred feet (300') of any part of owner's property boundary. (Ord. 64, 9-19-1987)

10-2-3: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS:

A. Permit Required: No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the town.

B. Classes Of Permits; Application: There shall be two (2) classes of building sewer permits: 1) for residential and commercial service, and 2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the town engineer.

C. Costs And Expenses Of Installation And Connection; Indemnification: All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

D. Separate And Independent Sewer Required; Exception: A

separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

E. Old Building Sewers: Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the town engineer, to meet all requirements of this chapter.

F. Construction Specifications: The size, slope, alignment, and materials of construction of all sanitary sewers including building sewers and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town and the state of Wyoming. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF manual of practice no. 9 shall apply.

G. Elevation: Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

H. Surface Runoff, Ground Water Prohibited: No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the town engineer and the Wyoming department of environmental quality for purposes of disposal of polluted surface drainage.

I. Connection: The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the town and the state of Wyoming, or the

procedures set forth in appropriate specifications of the ASTM and the WPCF manual of practice no. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the town engineer before installation.

J. Excavation; Restoration: All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town. (Ord. 64, 9-19-1987)

10-2-4: USE RESTRICTIONS; PROHIBITED DISCHARGES:

A. Unpolluted Drainage: No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, or cooling water to any sewer, except storm water runoff from limited areas, which storm water may be polluted at times, may be discharged to the sanitary sewer by permission of the town engineer and the Wyoming department of environmental quality.

B. Combined Sewers Or Storm Sewers: Storm water other than that exempted under subsection A of this section, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the town engineer and the Wyoming department of environmental quality. Unpolluted industrial cooling water or process waters may be discharged, on approval of the town engineer, to a storm sewer, combined sewer, or natural outlet.

C. Prohibited Discharges: No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

1. Flammables Or Explosives: Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Toxic Or Poisonous: Any waters containing toxic or poisonous solids, liquids, or other wastes, to contaminate the sludge of any sewage treatment process, constitute a hazard in or have an adverse effect on the waters receiving any discharge from the works. Each user which discharges any toxic pollutants which cause an increase in the cost of

managing the effluent or the sludge of the town's treatment works shall pay for such increased costs.

3. pH: Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to strictures, equipment, and personnel of the wastewater works.

4. Solid Or Viscous: Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

D. Harmful Materials/Substances: The following described substances, materials, waters or wastes shall be limited in discharge to the town system to concentrations or quantities which will not harm either the sewer, the sludge of the town system, the wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger life, limb, public property, or constitute a nuisance. The town engineer may set limitations lower than the limitations established in the regulations below if, in his opinion, such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the town engineer will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment processes employed, capacity of the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the town engineer are as follows:

1. Temperature: Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65 degrees Celsius).

2. Oils: Wastewater containing more than twenty five milligrams (25 mg/I) per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

3. Floatable Oils, Fat Or Grease: Wastewater from industrial plants containing floatable oils, fat, or grease.

4. Improperly Shredded Garbage: Any garbage that has not been properly shredded (see definition of "properly shredded garbage" in section 10-2-1 of this chapter). Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

5. Objectionable Or Toxic Substances: Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the town engineer for such materials.

6. Odor Producing Substances: Any waters or wastes containing odor producing substances exceeding limits which may be established by the town engineer.

7. Radioactive Wastes Or Isotopes: Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the town engineer in compliance with applicable state or federal regulations.

8. Slug: Quantities of flow, concentrations, or both, which constitute a "slug" as defined herein.

9. Substances Not Amenable To Treatment Or Reduction: Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

10. Interaction With Other Waters Or Wastes: Any waters or wastes which, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

E. Authority To Reject, Require Pretreatment, Or Control Quantity: If any waters or wastes are discharged, or are

proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection D of this section, and which, in the judgment of the town engineer, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the town engineer may:

1. Reject the wastes;

2. Require pretreatment to an acceptable condition before discharge to the public sewers;

3. Require control over the quantities and rates of discharge; and/or

4. Require payment to cover the added cost of handling and treatment of the wastes not covered by existing taxes or sewer charges under the provisions of this chapter.

If the town engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the town engineer and the Wyoming department of environmental quality.

F. Interceptors Required: Grease, oil and sand interceptors shall be provided when, in the opinion of the town engineer, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified herein, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the town engineer and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the collected material and shall maintain records of the dates and means of disposal which are subject to review by the town engineer. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

G. Owner Expense: Where pretreatment or flow equalization facilities are provided or required for any waters or wastes, they shall be maintained continuously in

satisfactory and effective operation by the owner at his expense.

H. Control Manhole Required: When required by the town engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the town engineer. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

I. Information To Be Provided: The town engineer may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

1. Wastewater discharge peak rate and volume over a specified time period.

2. Chemical analyses of wastewaters.

3. Information on raw materials, processes, and products affecting wastewater volume and quality.

4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other material important to sewer use control.

5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

6. Details of wastewater pretreatment facilities.

7. Details of systems to prevent and control the loss of materials through spills to the municipal sewer.

J. Measurement Of Water Characteristics: All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods For The Examination Of Water And Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the town engineer.

K. Special Agreement And/Or Arrangement: No statement contained in this section shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial water of unusual strength or character may be accepted by the town for treatment. (Ord. 64, 9-19-1987)

CHAPTER 3 SEWER USER CHARGES

SECTION:

10-3- 1: Definitions
10-3- 2: Purpose
10-3- 3: Total Annual Cost Of Operation And Maintenance
10-3- 4: Basis Of User Fees; Fee Structure
10-3- 5: Payment Of User's Wastewater Service Charge; Penalties
10-3- 6: Review Of Each User's Wastewater Service Charge
10-3- 7: Notification
10-3- 8: Wastewater Facilities Replacement Fund
10-3- 9: Earmarking Certain Funds For Debt Services
10-3-10: Fee For Disposal At Wastewater Treatment Plant

10-3-1: DEFINITIONS: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

OPERATION AND MAINTENANCE: Expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

REPLACEMENT: Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary in the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

RESIDENTIAL USER: Any contributor to the town treatment works whose lot, parcel or real estate or building is used for domestic dwelling purposes only.

TREATMENT WORKS: Any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial waste. These items include: a) individual systems, pumping, power, and other equipment appurtenances; b) extensions, improvement, remodeling, additions and alterations thereof; c) elements essential to provide a reliable recycling supply such as standby treatment units and clearwell facilities; and d) any works including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residue resulting from such treatment; or e) any other method or system of preventing, abating, reducing, storing, treating, separating or disposing of

municipal waste or industrial waste, including waste and combined storm water and sanitary sewer system.

USEFUL LIFE: The estimated period during which a treatment works will be operating.

USER CHARGE: That portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the waste-water treatment works.

WASTEWATER FACILITIES: The public structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

WASTEWATER TREATMENT WORKS: An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "wastewater treatment plant" or "water pollution control plant". (Ord. 63, 9-19-1987)

10-3-2: PURPOSE: The purpose of this chapter shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. Factors such as volume and delivery flow rate characteristics shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user or user class. (Ord. 63, 9-19-1987)

10-3-3: TOTAL ANNUAL COST OF OPERATION AND MAINTENANCE: The town, or its town engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the useful life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund. (Ord. 63, 9-19-1987)

10-3-4: BASIS OF USER FEES; FEE STRUCTURE: All users within the town's service area shall be assessed a monthly user fee based on volume contribution. This fee shall be based on the average water consumption by residential users during the winter months of January, February and March, as

measured by the dwelling.

A. Residential Users: Residential users are considered to be one class of user and are initially assessed a charge of fourteen dollars twenty cents ($14.20) per month per dwelling unit. This fee may be equitably adjusted from time to time by motion of the council as may be necessary to cover expenses.

B. Nonresidential Users:

1. Average Water Use No Greater Than Residential Users: Nonresidential users with average water use no greater than the residential user will pay the same charge of fourteen dollars twenty cents ($14.20) per month as the residential user.

2. Average Water Use Greater Than Residential Users: Nonresidential users with an average water use greater than the average residential user will pay an additional charge of one dollar thirty five cents ($1.35) per one thousand (1,000) gallons per month for water use greater than the average residential user (for "winter months" as defined above). Said additional charge may be equitably adjusted from time to time by motion of the council as may be necessary to cover expenses.

The calculated average monthly water use per dwelling during January, February and March for residential users is ten thousand five hundred twenty (10,520) gallons. This number shall be recalculated on a yearly basis. (Ord. 63, 9-19-1987; amd. 2008 Code)

10-3-5: PAYMENT OF USER'S WASTEWATER SERVICE CHARGE; PENALTIES: The town shall submit an invoice for wastewater service to each user. Should any user fail to pay the user wastewater service charge within thirty (30) days of the due date, the town may stop the water service to the property. (Ord. 63, 9-19-1987)

10-3-6: REVIEW OF EACH USER'S WASTEWATER SERVICE CHARGE: The town 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 (2) years and will revise 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 town 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 town shall then determine if the user's wastewater contribution percentage is to be changed. The town shall notify the user of its findings as soon as possible. (Ord. 63, 9-19-1987)

10-3-7: NOTIFICATION: Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. 63, 9-19-1987)

10-3-8: WASTEWATER FACILITIES REPLACEMENT FUND: A reserve fund called the wastewater facilities replacement fund is hereby established within the wastewater utility fund for the purpose of providing sufficient funds to be expended for obtaining and installing equipment, accessories and appurtenances during the useful life (20 years) of the wastewater treatment facilities necessary to maintain the capacity and performance for which such facilities are designed and constructed. The reserve fund, called the wastewater facilities replacement fund, established within the wastewater utility fund as an interest bearing account shall be funded by a deposit of one thousand four hundred thirty five dollars ($1,435.00) per year obtained from the wastewater utility fund at the end of each fiscal year. (Ord. 63, 9-19-1987)

10-3-9: EARMARKING CERTAIN FUNDS FOR DEBT SERVICES: From the gross revenues of user charges for wastewater the town shall commit six dollars forty seven cents ($6.47) from each monthly fee to the appropriate holder of the loan used for the construction of wastewater facilities, as approved by the state farm loan board. Such funds that are committed by the town from the wastewater hookups and the user fees shall be used to meet the debt service of the outstanding indebtedness for the wastewater project; and such commitment to the appropriate loan holder shall continue until such time as the loan debt is satisfied. (Ord. 63, 9-19-1987)

10-3-10: FEE FOR DISPOSAL AT WASTEWATER TREATMENT PLANT: A fee of fifty dollars ($50.00) per one thousand (1,000) gallon load shall be assessed for sewage which is hauled to and disposed of at the wastewater treatment plant. This fee

will be charged to the party hauling the sewage to the site. (Ord. 85, 6-8-1992)

CHAPTER 4 CROSS CONNECTION CONTROL SECTION:

10-4- 1: General Policy
10-4- 2: Definitions
10-4- 3: Cross Connections Prohibited
10-4- 4: Survey And Investigations
10-4- 5: Type Of Protection Required
10-4- 6: Where Protection Required
10-4- 7: Backflow Prevention Assemblies
10-4- 8: Installation
10-4- 9: Inspection And Maintenance
10-4-10: Violations

10-4-1: GENERAL POLICY:

A. Purpose: The purpose of this chapter is:

1. To protect the public potable water supply from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.

2. To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water system and nonpotable water systems, plumbing fixtures, and industrial process systems.

3. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Application: This chapter shall apply to all premises served by the public potable water system of the town.

C. Policy:

1. Interpretation: This chapter will be reasonably interpreted by the water purveyor. It is the water purveyor's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

2. Responsibility For Protection: The water purveyor shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution

due to backflow of contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The water purveyor and consumer are jointly responsible for preventing contamination of the water system.

3. Cross Connection Protection Required: If, in the judgment of the water purveyor or his authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, due notice shall be given to the consumer. The consumer shall immediately comply by providing the required protection at their own expense, and failure, refusal, or inability on the part of the consumer to provide such protection shall constitute grounds for discontinuing water service to the premises until such protection has been provided. (Ord. 03-04, 12-8-2003)

10-4-2: DEFINITIONS: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

AIR GAP SEPARATION: The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch (1").

AUXILIARY WATER SUPPLY: Any water source or system, other than the public water supply, that may be available in the building or premises.

BACKFLOW: The flow other than the intended direction of flow, of any foreign liquids, gases or substances into the distribution system of a public water supply.

BACKFLOW PREVENTION ASSEMBLY: Any double check valve or reduced pressure principle backflow preventer having resilient sealed shutoff valves on both the upstream and downstream end and the necessary test cocks as integral parts of the assembly.

CONSUMER: The owner or person in control of any premises supplied by or in any manner connected to a public water system.

CONTAINMENT: Protection of the public water supply by installing a backflow prevention assembly or air gap separation on the

main service line to a facility.

CONTAMINATION: An impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.

CROSS CONNECTION: Any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.

HAZARD, DEGREE OF: An evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

Hazard, Health: Any condition, device, or practice in the water supply system and its operation which could create or may create a danger to the health and well being of the water consumer.

Hazard, Plumbing: A plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention assembly.

Hazard, Pollutional: An actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

Hazard, System: An actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

INDUSTRIAL PROCESS SYSTEM: Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into a potable water supply.

ISOLATION: Protection of a facility's internal plumbing system by installing a backflow prevention assembly, air gap separation or other backflow prevention device on an individual fixture, appurtenance or system.

POLLUTION: The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

PUBLIC POTABLE WATER SYSTEM: Any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Wyoming department of environmental quality.

SERVICE CONNECTION: The terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

WATER PURVEYOR: The owner, operator or individual in responsible charge of a public water system. (Ord. 03-04, 12-8-2003)

10-4-3: CROSS CONNECTIONS PROHIBITED:

A. Water Service Connection: No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumer's water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the water purveyor, and as required by the laws and regulations of the Wyoming department of environmental quality.

B. Auxiliary Water Supply: No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the water purveyor and the Wyoming department of environmental quality.

C. Acceptable Plumbing System: No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the water purveyor as necessary for the protection of health and safety. (Ord. 03-04, 12-8-2003)

10-4-4: SURVEY AND INVESTIGATIONS:

A. Premises Open To Inspection: The consumer's premises shall be open at all reasonable times to the water purveyor, or his authorized representative for the conducting of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.

B. Furnish Information: On request by the water purveyor or their authorized representative, the consumer shall furnish information on water use practices within their premises.

C. Periodic Surveys: It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on their premises to determine whether there are actual or potential cross connections to their water system through which contaminants or pollutants could backflow into their or the public potable water system. (Ord. 03-04, 12-8-2003)

10-4-5: TYPE OF PROTECTION REQUIRED: The type of protection required by this chapter shall depend on the degree of hazard which exists, as follows:

A. Air Gap Separation: An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.

B. Air Gap Separation Or Reduced Pressure Principle Backflow Prevention Assembly: An approved air gap separation or an approved reduced pressure principle backflow prevention assembly shall be installed where the public potable water system may be contaminated with a substance that could cause a system or health hazard.

C. Air Gap Separation, Reduced Pressure Principle Backflow Prevention Assembly Or Double Check Valve Assembly: An approved air gap separation or an approved reduced pressure principle backflow prevention assembly or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health. (Ord. 03-04, 12-8-2003)

10-4-6: WHERE PROTECTION REQUIRED:

A. Actual Or Potential Hazards To Public Potable Water System: An approved backflow prevention assembly shall be installed on each service line to a consumer's water system serving premises where, in the judgment of the water purveyor or the Wyoming department of environmental quality, actual or potential hazards to the public potable water system exist. The type and degree of protection required shall be commensurate with the degree of hazard.

B. Activities Or Materials Used In Connection With Activities Present An Immediate And Dangerous Hazard: An approved air gap separation or reduced pressure principle backflow prevention assembly shall be installed at the service connection or within any premises where, in the judgment of the water purveyor or the Wyoming department of environmental quality, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following situations:

1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the water purveyor and the Wyoming department of environmental quality.

2. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.

3. Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.

4. Premises having a repeated history of cross connections being established or reestablished.

5. Premises, which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.

6. Premises on which any substance is handled under pressure so as to permit entry into the public water supply, or

where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.

7. Premises where materials of a toxic or hazardous nature are handled such that if back siphonage or back pressure should occur, a serious health hazard may result.

C. Protection Of Public Water Supply: The types of facilities listed below fall into one or more of the categories of premises where an approved air gap separation or reduced pressure principle backflow prevention assembly is required by the water purveyor and the Wyoming department of environmental quality to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the water purveyor and the Wyoming department of environmental quality:

1. Aircraft and missile manufacturing plants;

2. Automotive plants including those plants which manufacture motorcycles, automobiles, trucks, recreational vehicles and construction and agricultural equipment;

3. Potable water dispensing stations which are served by a public water system;

4. Beverage bottling plants including dairies and breweries;

5. Canneries, packing houses and production plants;

6. Car washes;

7. Chemical, biological and radiological laboratories including those in high schools, trade schools, colleges, universities and research institutions;

8. Hospitals, clinics, medical buildings, autopsy facilities, morgues, mortuaries and other medical facilities;

9. Metal or plastic manufacturing, fabrication, cleaning, plating or processing facilities;

10. Plants manufacturing paper and paper products;

11. Plants manufacturing, refining, compounding or processing fertilizer, film, herbicides, natural or synthetic rubber,

pesticides, petroleum or petroleum products, pharmaceuticals, radiological materials or any chemical which would be a contaminant to the public water system;

12. Commercial facilities that use herbicides, pesticides, fertilizers or any chemical which would be a contaminant to the public water system;

13. Plants processing, blending or refining animal, vegetable or mineral oils;

14. Commercial laundries and dye works;

15. Sewage, storm water and industrial waste treatment plants and pumping stations;

16. Waterfront facilities including piers, docks, marinas and shipyards;

17. Industrial facilities which recycle water;

18. Restricted or classified facilities or other facilities closed to the supplier of water or the department;

19. Fire sprinkler systems using any chemical additives;

20. Auxiliary water systems;

21. Irrigation systems with facilities for injection of pesticides, herbicides or other chemicals or with provisions for creating back pressure;

22. Portable tanks for transporting water taken from a public water system; and

23. Facilities which have pumped or repressurized cooling or heating systems that are served by a public water system, including all boiler systems. (Ord. 03-04, 12-8-2003)

10-4-7: BACKFLOW PREVENTION ASSEMBLIES:

A. Model And Construction: Any backflow prevention assembly required to protect the facilities listed in subsection 10-4-6C of this chapter shall be of a model or construction approved by the water purveyor and the Wyoming department of environmental quality.

1. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above

the top rim of the vessel, but in no case less than one inch (1").

2. A double check valve assembly or a reduced pressure principle backflow prevention assembly shall be approved by the water purveyor, and shall appear on the current "list of approved backflow prevention assemblies" established by the Wyoming department of environmental quality.

B. Existing Assemblies: Existing backflow prevention assemblies approved by the water purveyor at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this chapter so long as the water purveyor is assured that they will satisfactorily protect the water system. Whenever the existing assembly is moved from its present location, or requires more than minimum maintenance, or when the water purveyor finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention assembly meeting the requirements of this chapter. (Ord. 03-04, 12-8-2003)

10-4-8: INSTALLATION:

A. Location; Manner Of Installation: Backflow prevention assemblies required by this chapter shall be installed at a location and in a manner approved by the water purveyor and shall be installed at the expense of the water consumer.

B. Installation On Service Line: Backflow prevention assemblies installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter, as close to the meter as is reasonably practical, and prior to any other connection.

C. Accessibility For Maintenance And Testing; Protection From Freezing: Backflow prevention assemblies shall be located so as to be readily accessible for maintenance and testing, and protected from freezing. No reduced pressure principle backflow prevention assembly shall be located where it will be submerged or subject to flooding by any fluid. (Ord. 03-04, 12-8-2003)

10-4-9: INSPECTION AND MAINTENANCE:

A. Duty Of Consumer: It shall be the duty of the consumer at any premises on which backflow prevention assemblies required by this chapter are installed to have inspection, tests, and overhauls made in accordance with the following

schedule or more often where inspections indicate a need:

1. Air Gap Separations: Air gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.

2. Double Check Valve Assemblies: Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.

3. Reduced Pressure Principle Backflow Prevention Assemblies: Reduced pressure principle backflow prevention assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter.

B. Expenses: Inspections, tests, and overhauls of backflow prevention assemblies shall be made at the expense of the water consumer and shall be performed by a state of Wyoming certified backflow prevention assembly tester.

C. Defective Assemblies: Whenever backflow prevention assemblies required by this chapter are found to be defective, they shall be repaired or replaced at the expense of the consumer without delay.

D. Record: The water consumer must maintain a complete record of each backflow prevention assembly from purchase to retirement. This shall include a comprehensive listing that includes a record of all tests, inspections, and repairs. Records of inspections, tests, repairs, and overhauls shall be made available to the water purveyor upon request.

E. Prohibited: Backflow prevention assemblies shall not be bypassed, made inoperative, removed, or otherwise made ineffective. (Ord. 03-04, 12-8-2003)

10-4-10: VIOLATIONS:

A. Use Denied Or Discontinued: The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this chapter is not installed, tested, and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention assembly has been removed or bypassed, or if an unprotected cross connection exists on the premises.

B. Restoration Of Service: Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this chapter to the satisfaction of the water purveyor. (Ord. 03-04, 12-8-2003)

TITLE 11 ANNEXATION PROCEDURE

Subject ..... Chapter

General Provisions 1
Procedure 2
Conditions Of Approval 3
Specifications 4

CHAPTER 1 GENERAL PROVISIONS

11-4- 1: Title
11-4- 2: Authorization
11-4- 3: Purpose
11-4- 4: Administration
11-4- 5: Most Restrictive Provisions Applicable
11-4- 6: Compliance Required
11-4- 7: Fees
11-4- 8: Penalty

TITLE: This title shall be known and may be cited as the ELK MUNTAIN ANNEXATION ORDINANCE (Ord. 59, 7-9-1984)

AUTHORIZATION: Authorization for this annexation title is contained in Wyoming Statutes section 15-1-401 et seq. (Ord. 59, 7-9-1984; amd. 2008 Code)

PURPOSE: The purpose of this title is to promote the public health, safety and general welfare of the community. The overall objective of this title is to consider land annexations as part of a plan for the orderly, efficient and economical development of the land within the town's jurisdiction. The following provisions shall guide the town council in formulating their decision concerning annexation:

A. The annexation of the area is for the protection of the health, safety and welfare of persons residing in the area and in the town;

B. The urban development of the area sought to be annexed would constitute a natural, geographical, economical and social part of the town;

C. The area sought to be annexed is a logical and feasible addition to the town and that the extension of basic services such as water and sewer systems, police and fire protection, and other services customarily available to the residents of the town can be reasonably furnished to the area proposed to be annexed;

D. The area sought to be annexed is contiguous with or adjacent to the existing corporate limits of the town. (Ord. 59, 7-9-1984)

11-1-4: ADMINISTRATION: This chapter shall be administered by the town planning commission and town council. (Ord. 59, 7-9-1984)

11-1-5: MOST RESTRICTIVE PROVISIONS APPLICABLE: This title supplements all other laws, regulations, ordinances or resolutions. The more restrictive requirements shall apply where they are at variance with other laws, regulations, ordinances or resolutions. (Ord. 59, 7-9-1984)

11-1-6: COMPLIANCE REQUIRED: The petitioner for annexation shall comply with all reasonable conditions laid down by the town council for design, dedication, improvement and restrictive use of the land, so as to conform to the physical and economical development of the town and to the safety and general welfare of the future plot owners within the annexed area and of the community at large. (Ord. 59, 7-9-1984)

1-1-7: FEES: To effect and facilitate the proper administration of this title and the annexation of properties to the town, the petitioner shall, at the time of submission of his petition to the town clerk-treasurer, file therewith amounts as determined by the town council from time to time sufficient to cover the costs incurred in administering, filing and recording of any documents necessary for the annexation of properties into the town. Any fees so established shall be done by resolution passed by the town council. (Ord. 59, 7-9-1984)

11-1-8: PENALTY: Violations of the provisions of this title shall be punished in accordance with section 1-4-1 of this code. (Ord. 59, 7-9-1984)

CHAPTER 2 PROCEDURE

SECTION:

11-2-1: Compliance Required
11-2-2: Preliminary Conference
11-2-3: Petition For Annexation
11-2-4: Review Of Petition
11-2-5: Petition Hearing
11-2-6: Annexation Ordinance
11-2-7: Agreement

11-2-1: COMPLIANCE REQUIRED: Any proceedings for annexation of eligible territory to the town shall be subject to the provisions of this title and in compliance with the laws of the state. (Ord. 59, 7-9-1984)

11-2-2: PRELIMINARY CONFERENCE: Prior to or in conjunction with the filing of a petition for annexation as required in this title, the prospective petitioner shall arrange for a preliminary conference with the planning commission in order to facilitate planning and subsequent review of the petition for annexation by the town council. (Ord. 59, 7-9-1984)

11-2-3: PETITION FOR ANNEXATION:

A. Written Petition; Filing: Formal proceedings for the annexation of eligible territory to the town shall be initiated by filing a written petition for annexation and ten (10) copies thereof with the town clerk-treasurer, who shall forward the petition to the town planning commission for review and recommendations thereon prior to submission to the town council.

B. Forms: Forms for petitions for annexation may be obtained from the town planning commission.

C. Required Information: The petition for annexation shall consist of and contain, at a minimum, the following:

1. Required Signatures: The petition shall be signed and dated by the petitioner and landowners of a majority of the area sought to be annexed;

2. Legal Description: A legal description of the area sought to be annexed;

3. Request: A request that the described territory be annexed;

4. Proof Of Ownership: A statement and proof thereof that each signer is an owner of land and the description of his land within the area proposed to be annexed;

5. Map: A map in the form of an annexation plat as provided in this title showing all areas to be annexed;

6. Desired Zoning: A letter setting out the desired zoning and specifically describing each tract or parcel of land and its proposed zoning. (Ord. 59, 7-9-1984)

11-2-4: REVIEW OF PETITION: The planning commission shall review the petition for annexation to determine it is in compliance with the requirements set forth in this title. If the petition is found to be in compliance, the planning commission shall immediately draw up a resolution to that effect and forward it to the town council for action. If the petition is not in compliance as required, the petitioner shall be notified by the planning commission, in writing, of its deficiencies and that no further action will be taken on the petition until it is in compliance. If the petitioner disputes the planning commission's decision as provided for in this title, the petitioner may present the petition directly to the town council for action thereon. (Ord. 59, 7-9-1984)

11-2-5: PETITION HEARING:

A. Hearing Required: As part of the resolution presented to the town council as provided in this chapter, there shall be established, when required by law, a date, time and place when a public hearing will be held to hear objections to the proposed annexation and to determine if the land sought to be annexed meets the conditions and requirements stated in this title. The hearing shall be conducted by the town council and be not less than thirty (30) days nor more than one hundred twenty (120) days after the effective date of the resolution.

B. Notice Of Hearing: Notice of public hearing shall be given by publishing a notice at least twice in a newspaper of general circulation in the territory sought to be annexed, with the first notice given at least thirty (30) days prior to the date of the hearing by mailing a copy of the published notice to the property owners in the proposed area to be annexed. The notice shall contain a legal description of the area and the names of persons owning property within the area sought to be annexed. (Ord. 59, 7-

9-1984)

11-2-6: ANNEXATION ORDINANCE: Upon a finding that the conditions as required in this title exist and all other requirements imposed have been met, the town council shall adopt a resolution to that effect and proceed to annex the proposed area by ordinance. If the annexation should be disapproved by the town council, the reasons for the disapproval shall be stated in writing and shall be forwarded to the petitioner. (Ord. 59, 7-9-1984)

11-2-7: AGREEMENT: In conjunction with the annexation by ordinance by the town council of the proposed area, the petitioner, in cooperation with the planning commission, shall execute an agreement drafted by the town attorney and the planning commission which shall set forth the conditions of annexation together with the services agreed to be provided by the town. This agreement shall be submitted with the annexation ordinance to the town council for their review and execution upon final passage of the annexation ordinance covering the proposed lands. (Ord. 59, 7-9-1984)

CHAPTER 3 CONDITIONS OF APPROVAL

SECTION:

11-3-1: Right Of Way Dedication
11-3-2: Off Site Improvements
11-3-3: Cost Payment
11-3-4: Public Land Donation
11-3-5: Improvement Completion Guarantee

11-3-1: RIGHT OF WAY DEDICATION: Whenever appropriate for the purpose of implementing the master plan of the town or for the purpose of extending existing rights of way, the town council may require the dedication of rights of way and/or easements through all or portions of the lands to be annexed. (Ord. 59, 7-9-1984)

11-3-2: OFF SITE IMPROVEMENTS: Where appropriate, the town council may require the petitioner to construct, at his own expense, such off site improvements which may be reasonably required to serve the annexing properties in order to provide adequate and efficient transportation, water, sewage and other public facilities in order to avoid excessive expenditure of public funds for the supply of such facilities. The improvements may include, but need not be limited to, the following:

A. Sanitary sewer lines to, through and adjacent to the annexing property;

B. Water line extensions to, through and adjacent to the annexing property;

C. Street improvements through and adjacent to the annexing property;

D. Storm drainage improvements and facilities within and adjacent to the annexing property. (Ord. 59, 7-9-1984)

11-3-3: COST PAYMENT: When appropriate, the town council may require as a condition of annexation, payment for a reasonably fair share of the cost of existing public facilities which have been installed to, through or adjacent to the annexing property. The public facilities may include, but need not be limited to, sanitary sewers, water mains, street improvements or storm drainage facilities. (Ord. 59, 7-9-1984)

11-3-4: PUBLIC LAND DONATION: When appropriate for the purpose of

implementing the master plan of the town, the town council may require that a portion or portions of the annexing properties be reserved for future parks and/or recreational sites, school sites or open spaces. (Ord. 59, 7-9-1984)

11-3-5: IMPROVEMENT COMPLETION GUARANTEE: All improvements which may be required by the town council as a condition of annexation shall be sufficiently guaranteed in writing. A performance bond or other form of assurance acceptable to the town council and the town attorney in accord with the requirements for the same as provided in the subdivision regulations shall be provided by the petitioner prior to final approval of the proposed annexation by the town council. (Ord. 59, 7-9-1984)

CHAPTER 4 SPECIFICATIONS

SECTION:

11-4-1: Plat Size, Materials And Map
11-4-2: Plat Contents
11-4-3: Subdivision Annexation

11-4-1: PLAT SIZE, MATERIALS AND MAP: The annexation plat shall be accurately and legibly prepared in black, waterproof ink upon one or more sheets of polyester film measuring twenty four inches by thirty six inches (24" x 36"). A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of two inches (2") on the left side and one-half inch (V2") on all other sides. All signatures shall be in black, waterproof ink. The scale of the map shall be a maximum of one inch equals one hundred feet (1" = 100') unless otherwise authorized by the town council. (Ord. 59, 7-9-1984)

11-4-2: PLAT CONTENTS: The following items shall be included on the annexation plat:

A. Name, Date, Label, Written And Graphic Scale: Name of the annexation, date, label "annexation plat", written and graphic scale, north arrow. The title of the annexation plat shall contain a subtitle which indicates the quarter section, section, township and range in which the annexation is located.

B. Boundary Survey: An accurate and complete boundary survey shall be made of the lands to be annexed. A traverse of the exterior boundaries of the lands to be annexed when computed from field measurements on the ground, must close within a limit of one foot (1') to ten thousand feet (10,000') of perimeter. The boundary of the annexation shall be clearly indicated on the plat. All lines shown on the plat which do not constitute a part of the annexation shall be dashed.

C. Survey And Mathematical Information: The annexation plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon including bearings and distances of straight lines, and radii, lengths, tangent distances and deflection for all circular curves. Where, under unusual circumstances, curves other than circular are used, the plat must indicate type of curve and pertinent data.

D. Rights Of Way; Parcels Required To Be Dedicated: All rights of way or parcels required to be dedicated for any purpose shall be particularly delineated and designed with all dimensions, boundaries and courses clearly shown and defined in every case. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every parcel which is a part thereof. The area of each parcel shall be shown with an accuracy of one to one hundred (1:100).

E. Stakes, Monuments, And/Or Evidence Used To Determine Boundaries: The annexation plat shall show fully and describe clearly what stakes, monuments, and/or evidence which were used to determine the boundaries of the legal description of the annexation where found on the ground. The final plat shall also show fully and clearly, each adjacent corner of each adjoining subdivision or portion thereof, by lot and block numbers, tract names or number, and place of record; or by section, township or ranqe: or by other proper designation. The location of all monuments placed in making the survey, and if any points were reset by ties, that information shall be stated. Affixed securely to the top of each such monument established shall be the Wyoming registration number of the land surveyor responsible for the establishment of the monument. The monuments shall be set at all angle points, and at the beginning, end, and points of change of direction or change of radius of any curved boundaries. To ensure accurate resurveys and future adjacent platting, ties to at least two (2) section corners and/or quarter section corners shall be shown on the annexation plat.

F. Certificate Of Parties Having Record Title Interest: The annexation plat shall contain a certificate signed and acknowledged by all parties having any record title interest in the land being annexed consenting to the annexation of the subject properties.

G. Certificate Offering Dedication: A certificate, signed and acknowledged as above, offering for dedication, all parcels of land shown on the annexing plat and intended for any public dedication, whenever the dedications are required as a condition of annexation.

H. Certificate Of Registered Land Surveyor: A certificate shall be signed by a registered land surveyor in the state, stating that he is responsible for the survey and that the plat accurately depicts the lands being annexed and the

survey. A statement by the land surveyor explaining how bearings were determined shall be included on the plat. The signature of the surveyor shall be accompanied by his registration number.

I. Certificates Of Town Officials: Certificate for execution by each of the following:

1. Town attorney;

2. Mayor;

3. Town clerk-treasurer;

4. Planning commission.

J. Legal Descriptions: Legal description of the lands being annexed and reflecting the boundary survey and including the section, township and range. The method of description shall be by use of the standard land measurement term and/or by use of metes and bounds; except, in cases of previously subdivided land, the subdivision, block, tract and/or lot shall also be described. A complete legal description is also required of all the property being annexed, shown by reference to maps or deeds of the property shown thereon, as has been previously recorded or filed. Each reference to the description, to any tract or subdivision, shall be spelled and worded identically with the original record thereof, and must show book and page reference to record of the county. The description shall also include a reference to any vacated area with the book and page number of the instrument of vacation, and any excepted tract shall be described as in the original instrument. (Ord. 59, 7-9-1984)

11-4-3: SUBDIVISION ANNEXATION: When a petition for annexation includes only lands being subdivided or resubdivided, the annexation plat shall consist of the approved subdivision plat and shall conform to all the requirements set forth in the subdivision regulations. The more restrictive or strict requirements shall apply where there is a variance between this chapter and the subdivision regulations. (Ord. 59, 7-9-1984)

TITLE 12 SUBDIVISION REGULATIONS (1)

Subject ..... Chapter

General Provisions 1
Definitions 2
Preliminary Plat 3
Final Plat 4
Completion And Maintenance Of Improvements 5
Reservations And Design Of Improvements 6
Documents 7
Variances 8
Enforcement And Penalties 9

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1. See also section 14-7-5 of this code.

CHAPTER 1 GENERAL PROVISIONS

SECTION:

12-1- 1: Title
12-1- 2: Purpose
12-1- 3: Administration
12-1- 4: Authorization
12-1- 5: Jurisdiction
12-1- 6: Most Restrictive Provisions Applicable
12-1- 7: Severability
12-1- 8: Amendments
12-1- 9: Conditions Compliance
12-1-10: Resubdivision
12-1-11: Future Resubdivision Indicated
12-1-12: Planned Unit Developments

12-1-1: TITLE: These regulations shall be known and may be cited as the ELK MOUNTAIN SUBDIVISION REGULATIONS. (Ord. 61, 7-9-1984)

12-1-2: PURPOSE: The purpose of these regulations is to promote the public health, safety and general welfare of tile community. The overall objective of these regulations is to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the land within the town council's jurisdiction. The following provisions shall guide the planning commission in formulating its decisions:

A. Proposed streets shall comprise a convenient and efficient traffic circulation system, properly related to the proposals of any transportation plan. Streets shall be of such width, grade and location to accommodate prospective traffic, provide adequate light and air, and to provide access by service and emergency vehicles.

B. Land of suitable location, size and character for utility or drainage easements or public community services shall be shown on the subdivision plat wherever appropriate.

D. Land subdivided shall be of such character that it can be used safely for building purposes without danger to health and welfare from flooding, fire, contamination, erosion and other menace.

C. The development of any subdivision should avoid unnecessary environmental degradation; pollution of air, streams, ponds and so on; and be in harmony with the natural environment.

E. Protect and conserve the value of land and buildings throughout the town and minimize conflicts among the uses of land and buildings.

F. Provide for adequate water, sewage, schools, parks, playgrounds, recreation and other public requirements, facilities and open space needs as will accommodate the anticipated rate of development.

G. Establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land; and assurance of proper legal descriptions and monumenting of subdivided land to provide adequate records for land titles.

H. Avoid excessive expenditure of public funds for the supply of public services. (Ord. 61, 7-9-1984)

12-1-3: ADMINISTRATION: These regulations shall be administered by the administrative official to the planning commission. (Ord. 61, 7-9-1984)

12-1-4: AUTHORIZATION: Authorization for these subdivision regulations is contained in Wyoming Statutes sections 15-1-601 through 15-1-611 for municipalities and Wyoming Statutes sections 34-12-101 through 34-12-115 on platting and dedication. (Ord. 61, 7-9-1984)

12-1-5: JURISDICTION: These regulations apply to all subdivisions of land within the jurisdictional area of the town council. (Ord. 61, 7-9-1984)

12-1-6: MOST RESTRICTIVE PROVISIONS APPLICABLE: These regulations supplement all other laws, regulations, ordinances or resolutions. The more restrictive requirements shall apply where they are at variance with other laws, regulations, ordinances or resolutions. (Ord. 61, 7-9-1984)

12-1-7: SEVERABILITY: These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the town except as shall

be expressly provided for in these regulations. (Ord. 61, 7-9-1984)

12-1-8: AMENDMENTS: For the purpose of providing for the public health, safety and general welfare, the planning commission may recommend to the town council proposed modifications and revisions of these subdivision regulations. Public hearings on all proposed amendments shall be held in the manner prescribed by law, after which the town council shall approve, amend or override the planning commission's recommendations. (Ord. 61, 7-9-1984)

12-1-9: CONDITIONS COMPLIANCE: The developer shall comply with reasonable conditions laid down by the planning commission for design, dedication, improvement and restrictive use of the land so as to conform to the physical and economical development of the town and to the safety and general welfare of the future plot owners in the subdivision and of the community at large. (Ord. 61, 7-9-1984)

12-1-10: RESUBDIVISION:

A. Definition: For the purposes of this section, the term "substandard lot" means any lot resulting from or affected by the change which does not conform with the requirements of the zoning of the district in which the lot resulting or affected is situated.

B. Review; Approval: For any change in a map or an approved or recorded subdivision plat, if the change affects any street layout shown on the map, or area reserved in the creation of a substandard lot or an additional lot, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, the parcel shall be reviewed by the planning commission and approved by the town council by the same procedures, rules and regulations as for a subdivision. (Ord. 61, 7-9-1984)

12-1-11: FUTURE RESUBDIVISION INDICATED: Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land, and there are indications that the lots will eventually be resubdivided into small building sites, the planning commission may require that the parcel of land allow for the future opening of streets. Easements providing for the future opening and extension of the streets may be made a requirement of the plat. (Ord. 61, 7-9-1984)

12-1-12: PLANNED UNIT DEVELOPMENTS: These regulations may be

modified by the degree necessary to accomplish the objectives and standards required for the planned unit development of residential, commercial or industrial subdivision, or a mixture, in accordance with provisions of title 13 of this code. (Ord. 61, 7-9-1984)

CHAPTER 2 DEFINITIONS

SECTION:

12-2-1: Rules Of Construction
12-2-2: General Definitions

12-2-1: RULES OF CONSTRUCTION: For the purpose of these regulations, certain numbers, abbreviations, terms and words used in this title shall be used, interpreted and defined as set forth in this chapter:

A. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

B. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

C. The words "used" or "occupies" include the words "intended", "designed" or "arranged" to be used or occupied.

D. The word "lot" includes the words "plot" or "parcel".

E. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".

F. A "building" includes a "structure", a "building" or "structure" includes any part thereof. (Ord. 61 , 7-9-1984)

12-2-2: GENERAL DEFINITIONS: As used in this title, the following words and terms shall have the meanings ascribed to them in this section:

ADMINISTRATIVE OFFICIAL: Any department, employee or advisory elected or appointed body which is authorized to administer any provision of the zoning regulations, subdivision regulations, and if delegated, any provision of any housing or building regulations or any other land use control regulations.

ALLEY: A minor way dedicated to the public and designed or used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

APPLICANT: A landowner or developer who has filed an application for development including his heirs, successors and assigns.

BLOCK: A tract of land bounded by streets, or by a combination of streets, and public parks, cemeteries, railroad rights of way, shorelines of waterways, or boundary line of municipalities.

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 town council. All bonds shall be approved by the town council whenever a bond is required by these regulations.

BUILDING: Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and includes any structure.

COLLECTOR STREETS: See definition of Street Classifications: Collector Street.

CONSTRUCTION PLANS: The maps or drawings approved by the town engineering function showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the town as a condition of approval of the final plat.

COUNTY: Refers to the territory of Carbon County.

CUL-DE-SAC: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DEAD END STREET: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

DEVELOPER: Any individual, firm, association, corporation, governmental agency or any other legal entity commencing proceedings under these regulations to carry out the development of land as defined in this chapter for himself or for another.

DEVELOPMENT PLAN: Consists of maps or drawings and other documents relating to the use, location and bulk of buildings and other structures, streets, ways, parking facilities, common and open space, utilities, public facilities and drainage, all as may be prescribed by the town engineer.

DRAINAGEWAY: An existing or proposed channel wherein normally only storm water runoff flows.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER: Any person licensed to practice professional engineering in the state as specified in Wyoming Statutes sections 33-29-114 through 33-29-149.

FLOOD, 100-YEAR: Flood limits resulting from a 100-year storm.

FRONTAGE: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

GRADE: The inclination from the horizontal of a road, utility, land, etc., and as expressed by stating the vertical rise or fall as a percent of the horizontal distance.

IMPROVEMENTS: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping and other related matters normally associated with the development of raw land into building sites.

LOCAL STREET: See definition of Street Classifications: Local Street Or Minor Street.

LOT AREA: The amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right of way or public open spaces.

LOT IMPROVEMENT: Any building, structure, place, work of art or other object, or improvement of land on which they are situated, constituting a physical betterment of real property, or any part of the betterment.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT OR PARCEL: A portion of land in a subdivision or plat of land, separated from other lots or portions of land by description as on a subdivision or record of survey map or

by metes and bounds for the purpose of sale, lease or separate use.

LOT WIDTH: The distance between the property lines measured at right angles to the centerline of the right of way.

MAJOR STREET: See definition of Street Classifications: Major Street.

MARGINAL ACCESS STREET: See definition of Street, Marginal Access.

MASTER PLAN: A comprehensive plan for development of the town, prepared and adopted by the planning commission, pursuant to state law, and including any part of the plan separately adopted and any amendment to the plan, or parts thereof.

MASTER STREET PLAN: See definition of Official Map.

MONUMENTS: Permanent concrete or metal markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.

OFF SITE: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

OFFICIAL MAP: The map established by the town council pursuant to law showing the streets, highways, and parks, and drainage systems and setback lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the town councilor additions thereto resulting from the approval of subdivision plats by the planning commission and the subsequent filing of the approved plats.

OPEN SPACE: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the planning commission deems permissive. Streets, structures for habitation and the like shall not be included.

ORDINANCE: Any legislative action, however denominated, of the town council which has the force of law, including any amendment or repeal of any ordinance.

OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PARKING, OFF STREET: Parking space which shall be adequate in area to provide for the off street parking as required in the zoning ordinance together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right of way.

PERIMETER STREET: Any existing street to which the parcel of land to be subdivided abuts on only one side.

PLANNING COMMISSION: The town planning commission established in accordance with law.

PLAT, FINAL: The final map, drawing or chart upon which the subdivider's plan of subdivision is presented to the planning commission for approval, and which, if approved, will be submitted to the county clerk for recording.

PLAT, PRELIMINARY: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the planning commission for approval.

PUBLIC FACILITY: Any use of land, whether publicly or privately owned, for transportation, utilities or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers, including parks, and cemeteries.

PUBLIC IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, off street parking area, lot improvement, or other facility for which the town may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which responsibility is established.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right of way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other way in which the general public or a public entity has a right, or which is dedicated, whether improved or not.

RESUBDIVISION: A change in a map of an approved or recorded subdivision plat as the change affects any street layout on the map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the

adoption of any regulation controlling subdivisions.

RIGHT OF WAY: 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 means 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 the right of way and not included within the dimensions or areas of the lots or parcels. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other uses involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which the right of way is established.

SALE OR LEASE: Any immediate or future transfer of ownership, or any possessory interest in land, including contract sale, lease, devise, intestate succession or transfer, or an interest in a subdivision or part thereof, whether by metes and bounds, deeds, contracts, plats, maps, leases, devises, intestate succession, or other written instruments.

SAME OWNERSHIP: Ownership by the same person, corporation, firm, entity, partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities or unincorporated associations, in which a stockholder, partner or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity or unincorporated association.

SPECIFICATIONS: The engineering specifications of the town prepared by the town engineer for the purpose of regulating the installation of any public improvement or facility required to be installed as a condition of approval of the subdivision plat.

STORM,100-YEAR: A storm intensity with a probability of recurrence once in everyone hundred (100) years.

STREET: A public right of way which affords primary vehicular traffic or pedestrian access to abutting properties, including avenues, boulevards, roads, highways, freeways, parkways, thoroughfares and viaducts, but shall not include land or an alley for the purposes of this title.

STREET CLASSIFICATIONS:

Arterial Street: A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunication along large areas.

Collector Street: A street collecting traffic from local streets, and connecting them with a major street, or another collector street.

Local Street Or Minor Street: A street exclusively or primarily providing access to abutting properties.

Major Street: A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, major industrial areas and similar traffic between communities of large areas.

STREET LINE: The dividing line between the street and the lot, also known as right of way line.

STREET, MARGINAL ACCESS: A local or collector street, parallel and adjacent to an arterial street, providing access to abutting properties and protection from arterial streets.

STREET ROADWAY WIDTH: The distance between the curb faces measured at right angles to the centerline of the street.

SUBDIVISION: The division of a tract or parcel of land into three (3) or more parts for immediate or future sale or building development.

SUBDIVISION PLAT: The final map or drawing, described in these regulations, on which the subdivider's plan of subdivision is presented to the planning commission for approval and which, if approved, may be submitted to the county clerk or recorder of deeds for filing.

LOT: A lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.

TOWN: Refers to the incorporated area of the town of Elk Mountain, Wyoming, as it existed at the time of the adoption of these regulations and including any revisions thereto.

TOWN ATTORNEY: The licensed attorney designated by the town council to furnish legal assistance for the administration of these regulations.

TOWN ENGINEERING FUNCTION: Refers to the engineer employed or contracted by the town for the purpose of administering the operation of public facilities and inspecting the plans and construction of these public facilities. If no engineer has in fact been retained by the town, this function shall be fulfilled by the administrative official.

UNIT: A portion of a subdivision selected for development as one of a series of stages.

VARIANCE: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

VICINITY MAP: A drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the town and/or county in order to better locate and orient the area in question.

WALKWAY: A dedicated public way for pedestrian use only, whether along the side of a road or not. (Ord. 61, 7-9-1984; amd. 2008 Code)

CHAPTER 3 PRELIMINARY PLAT

SECTION:

12-3-1: Sketch Plan
12-3-2: Application
12-3-3: Distribution
12-3-4: Agency Review
12-3-5: Planning Commission Action
12-3-6: Effective Period Of Preliminary Approval
12-3-7: Zoning Compliance

12-3-1: SKETCH PLAN:

A. Submission: Prior to the submission of a preliminary plat, as prescribed by these regulations, the subdivider or his agent may prepare and submit a sketch plan, in four (4) copies, to the administrative official to the planning commission. The administrative official to the planning commission shall review the sketch plan with the subdivider and other agencies and departments.

B. Sketch Plan Discussion: The purpose of the sketch plan discussion is to resolve any major points of disagreement before the expenses are incurred in the development of a preliminary plat. No action is required of the planning commission nor of any official or agency other than to offer appropriate comments on the sketch plan. (Ord. 61, 7-9-1984)

12-3-2: APPLICATION (1):

The applicant shall file, in duplicate, an application for approval of a preliminary plat. The application shall:

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1. See subsection 14-7-5A of this code for contents of preliminary plat.

A. Form: Be made on a form available at the office of the administrative official to the planning commission; (Ord. 61, 7-9-1984)

B. Number Of Copies: Be accompanied by a minimum of five (5) copies of the preliminary plat as described in these regulations; (Ord. 61, 9-7-1984; amd. 2008 Code)

C. Land Required To Be Shown: The preliminary plat shall show all land which the applicant proposes to subdivide and all land immediately adjacent extending one hundred feet (100') from the street frontage of the opposite land;

D. Preliminary Drainage Plan: Be accompanied by two (2) copies of a preliminary drainage plan prepared by an engineer knowledgeable in the field of hydrology and licensed to practice in the state;

E. Preliminary Water And Sewer Plan: Be accompanied by two (2) copies of a preliminary water and sewer plan, together with, if required by the town engineering function, supporting engineering analysis verifying the adequacy of existing and/or proposed sewer and water facilities and systems;

F. Preliminary Development Plan: Be accompanied by fifteen (15) copies of a preliminary development plan in the case of a plat incorporating areas proposed to be zoned and used for commercial, industrial or multi-family purposes or when a planned unit development or mobile home park is proposed;

G. Title Insurance Commitment: Be accompanied by a title insurance commitment;

H. Review Fees: Be accompanied by a preliminary plat review fee as may be prescribed by resolution of the town council. (Ord. 61, 7-9-1984)

12-3-3: DISTRIBUTION: The administrative official to the planning commission shall, within three (3) working days, furnish each of the following agencies and offices with a copy of the preliminary plat for review and comment:

A. Town engineering function;

B. Town attorney;

C. Police department;

D. Fire department;

E. Water superintendent;

F. Public school district;

G. U.S. post office;

H. Electric power company;

I. Telephone company;

J. Mayor and council members;

K. Clerk-treasurer; and

L. Other agencies or public offices affected by the proposed subdivision. (Ord. 61, 7-9-1984)

12-3-4: AGENCY REVIEW:

A. Consideration Of Reports: The administrative official to the planning commission, before making any recommendation to the planning commission regarding the preliminary plat, shall consider a written report from each of the agencies and offices enumerated in section 12-3-3 of this chapter, except the mayor, council, clerk-treasurer and planning commission, as to whether the information and data shown on the preliminary plat and the associated documents indicates that the proposed subdivision will be consistent with and promote the planning objective set forth in these regulations and the policies and requirements for development set forth in the ordinances of the town.

B. Written Recommendation: After considering the written reports, and after considering any objections from the agencies listed, the administrative official to the planning commission shall prepare a written recommendation to the planning commission, recommending that the preliminary plat either be approved, conditionally approved or disapproved, and the plat shall be scheduled for review by the planning commission at its next timely meeting. A copy of the written recommendation of the administrative official to the planning commission concerning the plat shall be made within thirty (30} days after the preliminary plat, and all other required information, has been submitted to the administrative official. However, in the event that the administrative official to the planning commission requires additional time for review, he shall notify the subdivider, in writing, of the extended time period required, which shall not exceed forty five (45) days from the date of submittal. (Ord. 61, 7-9-1984)

12-3-5: PLANNING COMMISSION ACTION:

A. Hearing: The preliminary plat and all pertinent data shall be reviewed by the planning commission and the commission shall hear testimony and arguments in favor of or in objection to the plat from any individual, firm, agency or official.

B. Action Of Planning Commission: The planning commission shall thereupon approve, conditionally approve or disapprove the preliminary plat. Conditional approval may be given in instances where only minor deficiencies are present. In other cases, the preliminary plat shall be approved, unless, in the judgment of the planning commission, the subdivision proposed by the preliminary plat would in one or more respects violate the spirit or letter of these regulations or of any applicable laws or ordinances, or unless the preliminary plat and the associated information is lacking or inaccurate so as to make a decision on the substantive issues difficult or impossible. (Ord. 61, 7-9-1984)

12-3-6: EFFECTIVE PERIOD OF PRELIMINARY APPROVAL: The approval of a preliminary plat shall be effective for a period of one year; at the end of which time final approval on the subdivision must have been obtained from the planning commission, although the plat need not yet be signed and filed with the county clerk. Any plat not receiving final approval within the period of time set forth in this section shall be null and void, and the developer shall be required to resubmit a new plat for preliminary approval, subject to all new zoning restrictions and subdivision regulations. In the event the final plat covers only a portion of the territory covered by the preliminary plat, the approval of the preliminary plat shall be automatically renewed for additional one year periods following the approval of each final plat, unless the planning commission notifies the subdivider to the contrary. (Ord. 61, 7-9-1984)

12-3-7: ZONING COMPLIANCE: Every plat shall conform to existing zoning regulations applicable at the time of proposed final approval, except that any plat which has received preliminary approval shall be exempt from any subsequent amendments to the zoning ordinance rendering the plat nonconforming as to bulk or use; provided, that final approval is obtained within the one year period. (Ord. 61, 7-9-1984)

CHAPTER 4 FINAL PLAT

SECTION:

12-4-1: Application
12-4-2: Review
12-4-3: Determination
12-4-4: Final Review
12-4-5: Vested Rights
12-4-6: Town Council Approval
12-4-7: Signing And Recording

12-4-1: APPLICATION: Following the approval of preliminary plat, the applicant, if he wishes to proceed with the subdivision, shall file, with the administrative official to the planning commission, an application for final approval of a subdivision plat. The application shall:

A. Forms: Be made on forms available at the office of the administrative official to the planning commission; (Ord. 61, 7-9-1984)

B. Number Of Copies: Be accompanied by a minimum of five (5) copies of the final plat as described in these regulations; (Ord. 61, 9-7-1984; amd. 2008 Code)

C. Compliance With Preliminary Plat: Comply in all respects with the preliminary plat, as approved, except that the final plat may constitute only a portion of the territory covered by the preliminary plat. If the final plat does not conform to the preliminary plat, the administrative official to the planning commission will decide if the change is substantial enough to warrant another preliminary plat review by the commission;

D. Estimate Of Improvement Costs: Be accompanied by a detailed estimate of all the subdivision improvement costs, the estimate to be prepared by a professional engineer licensed to practice in the state;

E. Review Fee: Be accompanied by a final plat review fee as may be prescribed by resolution of the town council;

F. Access: Provide evidence satisfactory to the planning commission that adequate access has been provided and that all proposed streets, alleys and roadways within the subdivision conform to the minimum standards adopted by the town council and applied uniformly throughout the jurisdiction which shall not in itself constitute consent

of the town council to locate, repair or maintain roadways and facilities. If, however, the subdivider proposes to make any streets, alleys or roadways private, then the subdivider shall submit to the town council properly acknowledged written certification that certain streets, alleys or roadways within the subdivision shall remain private and the town shall be under no obligation to repair, maintain or accept any dedication of such roads to the public use. If no such public maintenance is contemplated, the subdivider shall put a legend on the plat of the subdivision, on the advertisements for the subdivision and on the contracts or agreements for the sale and purchase of lots within the subdivision showing the streets, alleys and roadways in capital letters stating "No Public Maintenance Of Streets Or Roads";

G. Utility Easements: If the subdivider proposes to utilize adjoining property for water lines, drainage, sewer lines, power lines or other utilities, the subdivider shall provide copies of binding easements in favor of the town of not less than fifteen feet (15') in width for the proposed facilities from each property owner over whose land the services shall extend and shall provide a minimum access roadway right of way of sixty feet (60') to the subdivision for all public ways;

H. Financial Resources: Provide evidence satisfactory to the planning commission that the subdivider has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider, including, but not limited to, water systems, sewage systems, drainage systems, streets and roadways;

I. Satisfactory Evidence: Provide evidence satisfactory to the town attorney that:

1. Encumbrances: The subdivided land is free of all encumbrances, and that the person who offers any part of the subdivision for sale or who solicits and offers for the purchase thereof, directly or through agents, may convey merchantable title, subject only to noted reservations or restrictions of record, but free of encumbrances and subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale may be legally effected; or

2. Deed Conveying Merchantable Title: Binding arrangements have been made by the person who offers any part of the subdivision for sale, directly or through an agent, to

assure purchasers of any part of the subdivision that upon full payment of the purchase price, a deed can and will be delivered conveying merchantable title subject only to noted reservations or restrictions of record and free of encumbrances not specifically assumed by the purchaser, subject only to a proportionate share of the taxes and assessments thereon as may be levied or assessed for the year in which the sale may be legally effected;

J. Verification Of Licensed Engineer: Provide verification from a licensed professional engineer that the construction plans, the final plat and the final drainage reports have been reviewed and approved and that the proposed sewage collection system and water distribution system together with all transmission and treatment facilities meet with town, state and federal standards;

K. Other Information: Be accompanied by any other information consistent with these regulations and the town council's published rules and regulations which the town council deems pertinent or relevant to the evaluation of the application. (Ord. 61, 7-9-1984)

12-4-2: REVIEW:

A. Administrative Official: After receipt of the final plat and all supporting documents, the administrative official to the planning commission shall review the submittal for completeness and for conformance with the approved preliminary plat and all requirements of these regulations.

B. Other Agencies: The administrative official to the planning commission shall refer copies of the final plat and appropriate supporting documents to seek comments from any other agency and official from whom approval is required or necessary.

C. Planning Commission: Provided, the final plat and all supporting documents are complete and in accord with the provisions of these regulations and requirements made by the planning commission, the final plat shall be scheduled to be considered at a regular meeting of the planning commission within forty five (45) days after all documents have been filed.

D. Extension Of Review Time: In the event all documents are not complete and approvable, the administrative official to the planning commission may extend the review time period, but in no case will the final plat be scheduled to be

considered by the commission later than sixty (60) days from the date of filing.

E. Notice: Notice, in writing, shall be given the applicant of any incomplete or unapprovable documents.

F. Recommendations And Comments: The recommendations and comments of the administrative official concerning the plat submittals shall be made to the planning commission, in writing, at least five (5) days prior to the scheduled planning commission meeting, and a copy of the same shall be sent to the applicant. (Ord. 61, 7-9-1984)

12-4-3: DETERMINATION1:

A. Comments Of Interested Persons Or Officials: At the planning commission meeting, the planning commission shall give an opportunity to any interested person or official to comment upon the plat.

B. Commission Action: After due deliberation, the planning commission shall approve, conditionally approve or disapprove the application. In its final action, the planning commission shall stipulate in detail any conditions to which the approval is subject or reasons for disapproval.

C. Copy Of Plat Returned To Subdivider: One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval or disapproval noted thereon, and the reasons therefor accompanying the plat. (Ord. 61, 7-9-1984)

12-4-4: FINAL REVIEW: Subsequent to the action by the planning commission, one copy of the original of the subdivision plat, and two (2) copies of the subdivision plat on reproducible Mylar and two (2) copies of the subdivision plat on paper shall be submitted to the administrative official to the planning commission for final review by him. No final approval shall be endorsed on the plat until a review has indicated that all requirements of the commission's action have been met. (Ord. 61, 7-9-1984)

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1. See also subsection 14-7-5D2k of this code.

12-4-5: VESTED RIGHTS: No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the mayor. All requirements,

conditions or regulations adopted by the town council applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the mayor. Where the planning commission has required the installation of improvements prior to the signing of the final plat, the planning commission shall not unreasonably modify the conditions set forth in the final approval. (Ord. 61, 7-9-1984)

12-4-6: TOWN COUNCIL APPROVAL: The town council shall approve or disapprove the subdivision application and issue a ruling within forty five (45) days after receiving a report from the planning commission. Approval of the final subdivision plat shall be by resolution. (Ord. 61, 7-9-1984)

12-4-7: SIGNING AND RECORDING:

A. Signing Of Plat: The mayor shall endorse approval of the plat after the bond has been approved by the town council, and all the conditions of the planning commission's action have been satisfied.

B. Recording Of Plat:

1. The mayor will sign the original of the subdivision plat and two (2) Mylar reproducible copies of the subdivision plat. One signed Mylar copy will be returned to the applicant's surveyor.

2. It shall be the responsibility of the administrative official to the planning commission to file the plat with the county clerk's office within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the administrative official to the planning commission shall record such legal documents as shall be required to be recorded by the town attorney. (Ord. 61, 7-9-1984)

CHAPTER 5 COMPLETION AND MAINTENANCE OF IMPROVEMENTS

SECTION:

12-5-1: Guarantee
12-5-2: Responsibility For Costs
12-5-3: Acceptance Of Dedications
12-5-4: Inspections And Fees
12-5-5: Maintenance
12-5-6: Deferral Or Waiver
12-5-7: Certificates Of Occupancy; Building Permits
12-5-8: Consumer Protection; Conflict Of Interest

12-5-1: GUARANTEE:

A. Performance Bond:

1. The applicant may post a performance bond, at the time of application for final subdivision approval by the council, in the amount estimated by the town engineering function as sufficient to secure to the town the satisfactory construction, installation and dedication of the uncompleted portion of required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.

2. The performance bond shall comply with all statutory requirements and shall be satisfactory to the town attorney as to form, sufficiency and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the town council in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not, in any event, exceed two (2) years from date of final approval.

3. The bond shall be approved by the town council as to amount and surety and conditions satisfactory to the town council. The town council may, upon proof of difficulty, extend the completion date set forth in the bond for a maximum period of one additional year. The town council may, at any time during the period of the bond, accept a substitution of principal or sureties on the bond upon recommendation of the town attorney and town engineering function.

B. Temporary Improvements: The applicant shall build and pay for all costs of temporary improvements required by the town council and shall maintain them for the period

specified by the town council. Prior to construction of any temporary facility or improvement, the developer shall file with the town council a separate suitable bond for temporary facilities, which bond shall ensure that the temporary facilities will be properly constructed, maintained and removed.

C. Governmental Unit: Governmental units to which these bonds and contract provisions apply may file, in lieu of the contractor bond, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this chapter.

D. Failure To Complete Improvements: In those cases where a performance bond has been posted and required improvements have not been installed within the terms of the performance bond, the town council may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

E. Alternate Methods:

1. Authorized: If the town council finds that a developer is not able to post a performance bond, the town council may require the subdivider to use one of the improvement guarantee techniques set out in subsections E2 through E6 of this section.

2. Escrow Account:

a. The subdivider shall deposit cash or U.S. government bonds, either with the town councilor in escrow with a bank. The use of collateral other than cash, and the selection of the bank with which funds are to be deposited, are subject to the approval of the town council.

b. Where an escrow account is to be employed, the subdivider shall file with the town council his agreement with the bank guaranteeing the following:

(1) The funds in the escrow account are to be held in trust until released by the town council and may not be used or pledged by the subdivider as security for any obligation during that period; and

(2) In case the subdivider fails to complete the required improvements, the bank shall immediately make the funds in

escrow available to the town for the completion of the improvements.

3. Property Escrow: The subdivider may offer as a guarantee, land or other property, including U.S. government bonds. A qualified real estate appraiser shall establish the value of any real property so used and in so doing, shall take into account the possibility of a decline or rise in the value of the property during the guarantee period. The town council reserves the right to reject the use as collateral of any property when the value of the property is unstable, when the property may be difficult to sell, or when other factors exist which will inhibit the town council from exchanging the property for an amount of money sufficient to complete the required improvements. When property is offered as an improvement guarantee, the subdivider shall:

a. Execute an agreement with the escrow agent when it is not the town instructing the agent to release the property to the town in case of default. The agreement shall be placed on file with the county clerk.

b. File with the town council an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be put in escrow.

c. Execute and file with the town council an agreement stating that the property to be placed in escrow as an improvement guarantee will not be used for any other purpose, or pledged as a security in any other matter, until it is released by the town council.

4. Irrevocable Letter Of Credit: Subject to the approval of the town council, the subdivider shall provide an irrevocable letter of credit from the bank or other reputable institution or individual. This letter shall be deposited with the town council and shall certify the following:

a. The creditor guarantees funds in an amount equal to the cost, as estimated by the town engineering function and approved by the town council, of completing all required improvements;

b. If the subdivider fails to complete the specified improvements within the required period, the creditor will pay to the town immediately, and without further action, such funds as are necessary to finance the completion of

those improvements, up to the limit of credit stated in the letter;

c. This irrevocable letter of credit may not be withdrawn or reduced in amount until released by the town council.

5. Third Party Trust Agreement: The subdivider may place title to the subdivided property in trust with a third party escrow agency or trust company authorized and licensed to do business in the state. The trust shall include an agreement between the trustee and the town that title to any lot or parcel within the subdivision shall not be transferred until all improvements required by these regulations have been installed and accepted by the town, on any particular lot or parcel, with written approval for release to the escrow agency or trust company holding the property in trust. The agreement shall contain special conditions providing for authorization of the town to abandon and resubdivide the property should the required improvements fail to be installed in compliance with town standard specifications.

6. Combined Methods: The council may adopt any combination of the foregoing requirements that will ensure the completion of the improvements incident to the proposed subdivision.

F. Time For Submittal: The improvement guarantee shall be submitted to the town attorney for approval by the town council prior to the signing of the plat by the mayor regardless of which method of guarantee is selected.

G. Release Or Reduction:

1. Dedication Of Improvements: Upon completion of the public improvements, the subdivider shall file with the town council an agreement dedicating the improvements to the town together with a statement stipulating the following:

a. The subdivider knows of no defects from any cause in the improvements; and

b. The improvements are free and clear of any encumbrance or lien.

2. Certification Of Improvements: Upon request by the subdivider, the town engineering function shall, after making final inspection, file with the town council a statement either certifying that the improvements have been completed and are in compliance with appropriate

specifications and requirements or listing the defects and deficiencies in the improvements.

3. Acceptance Of Improvements: If the town engineering function has certified that the contracted improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed in this section, the town council shall accept the dedication of those improvements. The town council may accept the dedication of any portion of the required improvements; provided, that all statements and agreements specified in this section have been received for the portion of the improvements.

4. Reduction Of Improvement Guarantee: An improvement guarantee shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvements dedicated bear to the total public improvements for the plat. In no event shall a performance bond be reduced below twenty five percent (25%) of the principal amount. (Ord. 61, 7-9-1984)

12-5-2: RESPONSIBILITY FOR COSTS: All required improvements shall be made by the applicant, at his expense, without reimbursement by the town, or any improvement district therein, except that the town may share in the cost of required improvements when they are of an unusual nature and not consistent with the character and/or size of normally required improvements. The cost sharing shall be in accordance with policies and rules properly adopted by the town council. (Ord. 61, 7-9-1984)

12-5-3: ACCEPTANCE OF DEDICATIONS: Acceptance of formal offers of dedication of streets, public areas, easements and parks shall be by resolution of the town council. The approval by the planning commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the town of any street, easement or park shown on the plat. (Ord. 61, 7-9-1984)

12-5-4: INSPECTIONS AND FEES:

A. Inspections: The town council shall provide for inspection of required improvements during construction to ensure their satisfactory completion. (Ord. 61, 9-7-1984; amd. 2008 Code)

B. Fees: The applicant shall pay the town inspection fees as may henceforth be established by resolution of the town council. These fees shall be due and payable upon

application for permit to construct the various types of improvements.

C. Improperly Constructed Improvements: If the town engineering function finds upon inspection that any of the required improvements have not been constructed in accordance with the town's construction standards and specifications, the applicant shall be responsible for correcting the improvements. Whenever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specification. (Ord. 61, 7-9-1984)

12-5-5: MAINTENANCE: The applicant shall be required to maintain all public improvements within the subdivision and provide for snow removal on streets and sidewalks if required, until initial acceptance of the improvements by the town council. If there are any certificates of occupancy on a street not dedicated to the town, the town may, on twelve (12) hours' notice, plow the street or effect emergency repairs and charge same to the applicant. (Ord. 61, 7-9-1984)

12-5-6: DEFERRAL OR WAIVER:

A. Power To Defer Or Waive: The planning commission may defer or waive, at the time of final approval subject to appropriate conditions, the provision of any or all such improvements as, in its judgment, are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

B. Costs Of Deferred Improvements: Whenever it is deemed necessary by the planning commission to defer the construction of any improvement required in this title because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his share of the costs of the future improvements to the town prior to the signing of the final subdivision plat, or the applicant may post a bond insuring completion of the improvements upon demand of the town council. (Ord. 61, 7-9-1984)

12-5-7: CERTIFICATES OF OCCUPANCY; BUILDING PERMITS: No certificate of occupancy for any building in the subdivision shall be issued prior to the completion of all the improvements and dedication of same to the town as required in the final

subdivision plat approval. (Ord. 61, 7-9-1984)

12-5-8: CONSUMER PROTECTION; CONFLICT OF INTEREST:

A. Violation Of Consumer Protection Law: No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent has violated any federal, state or local law pertaining to consumer protection of real estate land sales, promotion or practices, or any applicable conflict of interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

B. Issued Building Permit Or Certificate Of Occupancy Subject To Revocation: With respect to the lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the town until so ordered otherwise by a court of competent jurisdiction; provided, that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

C. Violation Of Consumer Protection Law: Any violation of a federal, state or local consumer protection law (including, but not limited to: postal reorganization act of 1970; interstate land sales full disclosure act; the truth in lending act; and the uniform commercial credit code) or conflict of interest statute, law or ordinance shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in chapter 9 of this title. (Ord. 61, 7-9-1984)

CHAPTER 6 RESERVATIONS AND DESIGN OF IMPROVEMENTS

SECTION:

12-6- 1: Rules An d Regulations Compliance
12-6- 2: Self-Imposed Restrictions
12-6- 3: Plats Crossing Municipal Boundaries
12-6- 4: Monuments
12-6- 5: Character Of Land
12-6- 6: Name Of Subdivision
12-6- 7: Lot Arrangement
12-6- 8: Lot Dimensions
12-6- 9: Through Lots And Lot Access
12-6-10: Relation To Adjoining Streets
12-6-11: Street Dedication
12-6-12: Major Street Design
12-6-13: Street Minimum Standards
12-6-14: Cul-De-Sacs
12-6-15: Marginal Access Streets, When Required
12-6-16: Half Streets
12-6-17: Cross Section Standards
12-6-18: Centerline Radius At Curves
12-6-19: Radii At Intersections
12-6-20: Radius At Alley Intersections
12-6-21: Protection Strips
12-6-22: Block Dimensions
12-6-23: Required Improvements
12-6-24: Utilities
12-6-25: School Sites
12-6-26: Parks And Recreation

12-6-1: RULES AND REGULATIONS COMPLIANCE: In addition to the requirements established in this title, all subdivision plats shall comply with the following laws, rules and regulations:

A. All applicable statutory provisions;

B. The town zoning ordinance, building and housing codes and other applicable laws of the town;

C. The official master plan, official map, public utilities plan, and capital improvements program of the town, including all streets, drainage systems, and parks shown on the official map or master plan as adopted;

D. The special requirements of these regulations and any rules of the health department and/or appropriate agencies;

E. The rules of the state highway department, if the subdivision or any lot contained therein abuts a state highway or connecting street; and

F. The standards and regulations adopted by the town engineering function and all boards, commissions, agencies and officials of the town.

G. Plat approval may be withheld if a subdivision is not in conformity with the above guidelines or policies and purposes of these regulations. (Ord. 61, 7-9-1984)

12-6-2: SELF-IMPOSED RESTRICTIONS: If the owner places restrictions on any of the land contained in the subdivision greater than those required by the zoning ordinance or these regulations, such restrictions, or reference thereto, may be required to be indicated on the subdivision plat, or the planning commission may require that restrictive covenants be recorded with the county clerk in a form to be approved by the town attorney. (Ord. 61, 7-9-1984)

12-6-3: PLATS CROSSING MUNICIPAL BOUNDARIES: Whenever access to the subdivision is required across land in another local government, the planning commission may request assurance from the town developer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross town boundary lines. (Ord. 61, 7-9-1984)

12-6-4: MONUMENTS: The applicant shall place permanent reference monuments in the subdivision as required by town specifications and approved by the planning commission. (Ord. 61,7-9-1984)

12-6-5: CHARACTER OF LAND: Land which the planning 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 planning commission, upon recommendation of the town engineering function, to solve the problems created by the unsuitable land conditions. The land shall be set aside for uses as shall not involve such a danger. (Ord. 61, 7-9-1984)

12-6-6: NAME OF SUBDIVISION: The proposed name of the subdivision shall not duplicate, nor too closely approximate phonetically, the name of any other subdivision in the area to designate the name of the subdivision. (Ord. 61, 7-9-1984)

12-6-7: LOT ARRANGEMENT: The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the zoning ordinance and health regulations and in providing driveway access to buildings on the lots from an approved street. (Ord. 61, 7-9-1984)

12-6-8: LOT DIMENSIONS: Lot dimensions shall comply with the minimum standards of the zoning ordinance. Where lots are more than double the minimum required area for the zoning district, the planning commission may require that the lots be arranged so as to allow further subdivision and the opening of future streets where they should be necessary to serve such potential lots, all in compliance with the zoning ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curved street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties shall be adequate to provide for the off street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance. (Ord. 61, 7-9-1984)

12-6-9: THROUGH LOTS AND LOT ACCESS:

A. Through Lots: Through lots shall be avoided except where necessary to provide separation to residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

B. Access From Major Secondary Arterials: Single-family residential lots shall not, in general, derive access exclusively from a major street. (Ord. 61, 7-9-1984)

12-6-10: RELATION TO ADJOINING STREETS:

A. Continuation Of Existing Streets: The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the

planning commission for public requirements.

B. Adjoining Property: The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.

C. Minor Streets: Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°). (Ord. 61, 7-9-1984)

12-6-11: STREET DEDICATION: Streets, in general, shall be dedicated to the town as public streets. (Ord. 61, 7-9-1984)

12-6-12: MAJOR STREET DESIGN: Major streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where the street plan has not been completed at the time the preliminary plan is submitted to the planning commission, major streets shall be provided as required by the planning commission, based upon recommendations from the town engineering function. (Ord. 61, 7-9-1984)

12-6-13: STREET MINIMUM STANDARDS: All streets and thoroughfares shall be platted according to the following minimum standards except where it can be shown by the subdivider, to the satisfaction of the commission, that the topography or the small number of lots served and the probable future traffic development are such as to justify a narrower width. Increased widths may be required where streets are to serve commercial or industrial property or where probable traffic conditions warrant.

Classification	Right Of Way Width (Feet)
Major collector streets	80
Minor collector streets	66
Local streets, commercial and industrial areas	60
Local streets, high and low density residential areas	60
Alleys	20

(Ord. 61, 7-9-1984; amd. 2008 Code)

12-6-14: CUL-DE-SACS:

A. Minor terminal streets (cul-de-sacs) shall be no longer than five hundred feet (500') measured from the center of the turnaround to the centerline of the first intersecting street which is not a cul-de-sac. The right of way line of a cul-de-sac turnaround shall have a radius of not less than forty seven feet (47') and shall be connected to the normal street right of way line by a reverse curve having a radius of seventy five feet (75'). If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided.

B. Where a street is designed to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead end thereof to remain and be available for public use so long as the dead end conditions exist. (Ord. 61, 7-9-1984)

12-6-15: MARGINAL ACCESS STREETS, WHEN REQUIRED: Marginal access

streets of not less than forty feet (40') in width shall be required paralleling all major streets, unless the subdivision is so designed that lots back onto such major streets. (Ord. 61, 7-9-1984)

12-6-16: HALF STREETS: Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved, except in cases of required partial dedication of major streets according to an adopted master street plan. (Ord. 61, 7-9-1984)

12-6-17: CROSS SECTION STANDARDS: All proposed streets, whether public or private, shall conform to the town street cross section standards as recommended by the town engineering function and adopted by the town council. (Ord. 61, 7-9-1984)

12-6-18: CENTERLINE RADIUS AT CURVES: The minimum centerline radius at street curves shall be as follows:

Classification	Radius
Major streets	800 feet
Collector streets	400 feet
Local streets	150 feet

(Ord. 61, 7-9-1984)

12-6-19: RADII AT INTERSECTIONS: The following minimum radii will apply at street intersections for property lines:

Classification	Property Line Radius
Local street to local street	15 feet
Local street to collector street	15 feet
Collector street to collector street	15 feet
Collector street to major street	20 feet
Major street to major street	25 feet

(Ord. 61, 7-9-1984)

12-6-20: RADIUS AT ALLEY INTERSECTIONS: The right of way lines of alley intersections shall be connected with a radius of not less than twenty feet (20'). Dead end alleys shall not be approved. (Ord. 61, 7-9-1984)

12-6-21: PROTECTION STRIPS: Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one foot (1') in width between the street and adjacent property; provided, that an agreement with the town and approved by the town attorney has been made by the subdivider, contracting to dedicate the one foot (1') or larger protection strip free of charge to the town for street purposes upon payment by the then owners of the contiguous property to the subdivider of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the street at the time

of the agreement. (Ord. 61, 7-9-1984)

12-6-22: BLOCK DIMENSIONS:

A. Length: The maximum length of blocks, generally, shall be one thousand three hundred feet (1,300') and the minimum length of blocks shall be five hundred feet (500'). Blocks over eight hundred feet (800') in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkways shall be not less than ten feet (10') in width.

B. Width: The width of blocks shall be sufficient to allow two (2) tiers of lots or as otherwise approved by the planning commission because of design, terrain or other unusual conditions.

C. Business Or Industrial Use: Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off street parking and delivery facilities. (Ord. 61, 7-9-1984)

12-6-23: REQUIRED IMPROVEMENTS: The owner of any land to be platted as a subdivision shall, at his own expense, install the following improvements, according to the specifications and under the inspection of the town engineer:

A. Water distribution system including laterals to the property line of each lot;

B. Drainage structures, storm sewers and other drainage facilities;

C. Fire hydrants;

D. Street name signs;

E. Fencing where required;

F. Other improvements as may be required by the planning commission. (Ord. 61, 7-9-1984)

12-6-24: UTILITIES:

A. Installation Required: The subdivider shall, at his own expense, cause the installation of the following public utilities to be made available to each lot and parcel within the subdivision:

1. Electrical distribution system including electrical lines for streetlights.

2. Telephone communication system.

B. Installed Underground; Exception: All public utilities, including services, shall be installed underground except that electrical distribution systems may be installed on overhead utility poles in certain cases of industrial and commercial developments. (Ord. 61, 7-9-1984)

12-6-25: SCHOOL SITES:

A. Land For School Sites When Required: Where it is determined that land is required for school sites, the administrative official to the planning commission, after so apprising the school district, shall so advise the subdivider of the school site requirements and they shall be incorporated on the preliminary plat prior to its consideration by the planning commission.

B. Sale Of Land To School District: The subdivider, at the time of filing the final plat with the planning commission, must offer to sell at a fair market price to the school district within one year immediately following the recording of the final plat, any land so designated for school sites.

C. Failure Of School District To Purchase: If any such proposed school sites have not been purchased by the school district within one year after the recording of the final plat, such areas may be subdivided into lots and blocks in accordance with the requirements of this title. (Ord. 61, 7-9-1984)

12-6-26: PARKS AND RECREATION:

A. Dedications Required:

1. Definition: The term "raw land" means land without any improvements such as water and sewer lines, paving, curb and gutter, etc.

2. Required; Payment In Lieu: All residential subdivisions shall provide for public parks and recreational sites by dedication of land in accordance with these regulations. Subject to the approval of the planning commission, dedication of such sites and land areas to the town or at

the option of the town and in lieu thereof, the subdividers may make a payment to the town of a sum of money equal to the value of the land which would otherwise be dedicated to the town. The value of the land to be dedicated shall be determined on the basis of full and fair market value of the raw land. Fair market values of the raw land shall be determined as of the time of filing the preliminary plat. Any such sums, when required, shall be held by the town for the acquisition and improvement of such sites and land areas. Provisions of land areas for parks and recreational sites shall be at the rate of six (6) acres per one thousand (1,000) persons in the subdivision. Dedication of such sites and land areas shall be made at the time of final platting in one or any combination of the following ways:

a. By dedicating to the town on the final plat;

b. By granting the land areas in fee simple or general warranty deed to the town.

B. Suitability Of Land: Any land to be dedicated as a requirement of this section shall be reasonably adaptable for use of active park and recreational purposes, and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of the proposed park and recreation areas shall include size and shape, topography, geology, tree cover, access and location.

C. Calculating Population: The number of persons that is generated by particular land uses or zone districts within a subdivision for purposes of calculating the amount of land area provision for parks and recreation areas shall be based on the following calculations:

Type Of Use	Persons Per Dwelling Unit
Single-family dwellings	4.0
Apartments, duplexes and all dwelling units having 2 bedrooms	3.2
All dwelling units having one bedroom, including apartments, condominiums, etc.	2.5
Dwelling units for the aged, nursing homes, buffet type apartment units with no bedrooms, etc.	1.5
Bunkhouses, dormitories, etc., per bedroom, etc.	1.0
Mobile homes	4.0

D. Sale Of Additional Land: Where it is determined that a greater amount of land is required for parks and open spaces to meet the master plan requirements for that area of the town, or where it is determined that land is required for any other type of public facilities, the subdivider, at the time of filing the final plat with the planning commission, must offer to sell at a fair market price to the town, within one year immediately following the recording of the final plat, any land required to be dedicated in accordance with subsection A of this section. If any such proposed public areas have not been purchased by the town within one year after the recording of the final plat, the areas may be subdivided into lots and blocks in accordance with the requirements of this title.

E. Cash In Lieu Of Dedication: Whenever cash in lieu of land dedication is required for parks and recreation sites, the fair market value of the raw land shall be determined by mutual agreement between the subdivider and the town council. In the event of inability of any of the above parties to agree on a fair market value of the sites, an independent party being a qualified appraiser, shall be selected by mutual agreement of the disagreeing parties.

The independent party's findings on fair market value of the site shall be final and binding on all parties. A qualified appraiser shall be a member of the appraisal institute (MAl) or an accredited rural appraiser (ARA). The developer shall pay the cost of the appraiser.

F. Funds Payment: Payments made under the requirements of this section shall be made payable to the town. The town council shall receive such funds at the time of the final plat approval and deposit them with the town clerk-treasurer, who shall in turn deposit the funds in the town approved and designated financial institution within the town. The funds shall be deposited to special interest bearing escrow accounts. The status of these accounts shall be reported annually to the town council and shall be made available to the parks and recreation board and the general public. Funds may be withdrawn from the special accounts by the town council for the specific purposes of acquiring lands for park and recreation sites respectively and of making improvements to the sites. (Ord. 61, 7-9-1984)

CHAPTER 7 DOCUMENTS

SECTION:

12-7-1: Preliminary Plat
12-7-2: Final Plat
12-7-3: Preliminary Water Plan
12-7-4: Preliminary Drainage Plan
12-7-5: Final Drainage Study

12-7-1: PRELIMINARY PLAT: The preliminary plat shall be a neat and legible drawing of one or more sheets measuring twenty four inches by thirty six inches (24" x 36"). The scale of the map shall not be more than one hundred feet per inch (1" = 100'). The following items shall be included on the preliminary plat:

A. Name of subdivision, date, label "preliminary plat", scale and north arrow;

B. Name, address and phone number of property owner and subdivider, if other than owner;

C. Name, address and phone number of person or firm responsible for preparation of the plan;

D. Names of adjacent subdivisions and streets;

E. Boundaries of the tract will be drawn to scale showing all bearings and distances to the nearest one-hundredth foot;

F. The plat shall show all physical features such as streams, wooded areas, fences and existing structures; (Ord. 61, 7-9-1984)

G. Ground contours at two foot (2') intervals shall be shown. Contours shall be accurate to within one-half (1/2) contour and elevations shall be based on coast and geodetic survey mean sea level data. Assumed data shall not be permitted. USGS quad maps shall not be accepted as evidence for topographical contours. Topographic contours on all preliminary plats shall correctly depict land contours; (Ord. 61, 9-7-1984; amd. 2008 Code)

H. Locations, dimensions and names of existing streets, railroads, easements, municipal boundaries, or other public properties and significant features shall be shown within and adjacent to the plat;

I. Any proposed public areas;

J A vicinity map at an appropriate scale shall be drawn on or shall accompany the preliminary plat. It shall show the street and tract lines of all abutting subdivisions, proposed streets and the outline of acreage parcels of land, within at least one-half (1/2) mile of the boundary of the proposed tract together with the names and/or numbers of all tracts between it and the nearest existing highways or thoroughfares. It may also be required to show the proposed land use, highways or thoroughfares. It may also be required to show the proposed land use and suggested street layout in any adjoining property under the same ownership;

K. Location and right of way widths of proposed streets, alleys and utility easements laid out according to sound planning principles;

L. Radii of streets and points of curvature;

M. Layout of proposed parcels of land including approximate dimensions of lot lines, lot numbers and building setback lines;

N. Street names;

O. A statement of the present zoning and proposed use or uses of the property, as well as proposed zoning classifications;

P. The approximate boundaries of areas as determined by a qualified drainage engineer, subject to inundation or storm water overflows from a 100-year storm, and the location, width and direction of flow of all watercourses, lakes, marshy areas and swamps;

Q. Additional notations and information as may be required. (Ord. 61, 7-9-1984)

12-7-2: FINAL PLAT:

A. Size And Identification: The final plat shall be accurately and legibly prepared in black waterproof ink upon one or more sheets of polyester film measuring twenty four inches by thirty six inches (24" x 36"). A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of two inches (2") on the left side and one-half inch 1/2") on all other sides. All signatures shall be

in black waterproof ink. The scale of the map shall be not more than one inch equals one hundred feet (1" = 100'). The particular number of the sheet and the total number of sheets and the relations of each adjoining sheet shall be clearly shown by a small key map on each sheet. The items set forth in subsections B through M of this section shall be included on the final plat.

B. Identification Of Sheets: The title of each sheet of the final plat shall consist of the approved name of the subdivision conspicuously placed on the sheet. A subtitle in smaller lettering shall indicate the quarter section, township and range in which the subdivision is located and/or a statement that the subdivision is a resubdivision of a specifically named subdivision. Plats filed for the purpose of showing as acreage land previously subdivided into parcels or lots or blocks shall be designated with an appropriate approved title. (Ord. 61, 7-9-1984)

C. Boundaries: An accurate and complete boundary survey shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, but close within a limit of one foot to ten thousand feet (1':10,000') in perimeter. The boundary of the subdivision shall be clearly indicated on the final plat. All lines shown on the plat which do not constitute a part of the subdivision shall be dashed. Any area enclosed by the subdivision, but not a part thereof, shall be labeled "Not A Part Of This Subdivision". (Ord. 61, 9-7-1984; amd. 2008 Code)

D. Survey Information: The final plat shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances and deflection for all circular curves. Where, under unusual circumstances, curves other than circular are used, the final plat must indicate type of curve and pertinent data.

E. Lots And Parcels: All lots and parcels offered for dedication for any purpose shall be particularly delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets or easements shall be designated by letter or number. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every lot and

parcel which is a part thereof. All lots and, wherever practicable, larger parcels in their entirety shall be shown on one sheet. Ditto marks shall not be used for lot dimensions. All lots shall be numbered systematically. The area of each lot and parcel one-half (1/2) acre or larger shall be shown with an accuracy of one to one hundred (1:100).

F. Dedications And Adjacent Streets: The plat shall show the right of way lines and monument lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets, lots and other properties within fifty feet (50') of the subdivision shall be shown. If any street in the subdivision is a continuation or approximately a continuation of an existing street, the conformity or the amount of nonconformity of the street to the existing streets shall be accurately shown. Whenever the centerline of a street has been established or recorded, the date shall be shown on the final plat.

G. Easements: The side lines of all easements shall be shown by fine dashed lines. If any easement already of record cannot be definitely located, a statement of the existence, the nature thereof, and its recorded reference must appear on the title sheet. Distances and bearings on the side lines of lots which are cut by an easement must be arrowed or so shown that the plat will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision must be shown. All easements must be clearly labeled and identified. If an easement shown on the plat is already of record, its recorded reference must be given. If an easement is being dedicated by the plat, it shall be set out in the owner's certificate of dedication and dedicated to the appropriate grantee.

H. High Water And Bodies Of Water: The plat shall show by a fine continuous line the line of high water of a 100-year flood. In case the subdivision is adjacent to or contains any stream, channel, marshlands, swamp or any body of water, the plat shall also show any such area by a fine continuous line. No permanent structure shall be constructed within such lines unless approved by the town engineer.

I. Monuments And Markers: The final plat shall show fully and describe clearly what stakes, monuments and/or other evidence were used to determine the boundaries of the legal

description of the subdivision where found on the ground. The final plat shall also show fully and clearly each adjacent corner of each adjoining subdivision or portion thereof, by lot and block numbers, tract names or number, and place of record; or by section, township or range; or by other proper designation. The following required monuments shall be shown on the final plat:

1. The location of all monuments placed in making the survey, and if any points were reset by ties, that information shall be stated. The external boundaries of all subdivisions shall, prior to the recording of any plat thereof, be monumented on the ground by reasonably permanent monuments solidly embedded in the ground. Affixed securely to the top of each such monument established shall be the Wyoming registration number of the land surveyor responsible for the establishment of the monument. These monuments shall be set at all angle points, and at the beginning, end and points of change of direction or change of radius of any curved boundaries. Monuments may be set after acceptance of the final plat by the town council, only under conditions recommended by the town engineer.

2. Concrete and metal monuments of a type approved by the town engineer shall be placed at intersections of street centerlines and at other points on street centerlines or monument lines as the town engineer requires.

3. To ensure accurate resurveys and future adjacent platting, ties to at least two (2) section corners and/or quarter section corners shall be shown on the final plat.

J. Approval Of Interested Parties: The final plat shall contain a certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recording of the plat; provided, however, that the Signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the plat:

1. Right of way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of potential use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signature shall also be endorsed on the plat.

K. Offer Of Dedication: A certificate, signed and acknowledged as set out in subsection J of this section, offering for dedication all parcels of land shown on the final plat and intended for any public dedication, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

L. Surveyor's Certificate: A certificate shall be signed by a registered land surveyor in the state, stating that he is responsible for the survey and that the final plat accurately depicts the subdivision or development and the survey. A statement by the land surveyor explaining how bearings were determined shall be included on the plat. The signature of the surveyor shall be accompanied by his registration number.

M. Title Sheet:

1. Other Affidavits: The title sheet shall contain such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law and by these regulations.

2. Vicinity Map: The title sheet shall contain a vicinity map drawn to an appropriate scale showing the following features surrounding the subdivision for a distance of at least one-half (1/2) mile from all sides of the subdivision:

a. Outlines of all recorded plats with names, recorded dates and recorded book and page;

b. Major streets and highways with names;

c. Important watercourses;

d. Town limits line, if appropriate, and boundary lines of public or quasi-public lands;

e. Unsubdivided areas;

f. Scale and north arrow. (Ord. 61, 7-9-1984)

12-7-3: PRELIMINARY WATER PLAN: The preliminary water plan shall be a neat and legible drawing of one or more sheets. The scale of the map shall be not more than one inch equals one hundred feet (1" = 100') and may be prepared on a reproducible copy of the preliminary plat. The following

items shall be included on the preliminary water plan:

A. Name of subdivision, date, label "preliminary water pian", scale and north arrow;

B. Name, address and phone number of engineer or firm responsible for preparation of the plan;

C. Boundaries of the tract will be drawn to scale;

D. The plat shall show all physical features such as streams, wooded areas, fences and existing structures;

E. The contours at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. Contours shall be accurate to within one-half (1/2) contour and elevations shall be based on coast and geodetic survey mean sea level data. Assumed data shall not be permitted. USGS quad maps shall not be accepted as evidence for topographic contours. Topographic contours on all preliminary water and sewer plans shall correctly depict land contours;

F. Locations, dimensions and names of existing railroads, easements, municipal boundaries or other public properties and significant features shall be shown within and adjacent to the plat;

G. Location and right of way widths of existing and proposed streets, alleys and utility easements;

H. Radii of streets and point of curvature;

I. Layout of proposed parcels of land including approximate dimensions of lot lines and lot numbers;

J. Alignment of proposed water distribution system together with any extensions of existing water mains necessary to provide an adequate water supply to the subdivision. Pipe diameters shall be indicated as well as the locations of proposed water valves;

K. Locations of proposed fire hydrants as provided in the then existing town code;

L. Additional notations and information as may be required. (Ord. 61, 7-9-1984)

12-7-4: PRELIMINARY DRAINAGE PLAN:

A. Specifications: The preliminary drainage plan shall be a neat and legible drawing of one or more sheets. The scale of the map shall be not more than one inch equals one hundred feet (1" = 100') and may be prepared on a reproducible copy of the preliminary plat.

B. Required Contents: The following items shall be included on the preliminary drainage plan:

1. Name of subdivision, date, label "preliminary drainage plan", scale and north arrow;

2. Name, address and phone number of engineer or firm responsible for preparation of the plan;

3. The plan shall show all physical features such as streams, wooded areas, fences and existing structures;

4. The contours at two foot (2') intervals for predominant ground slopes within the tract between level and five percent (5%) grade and five foot (5') contours for predominant ground slopes within the tract over five percent (5%) grade. Contours shall be accurate to within one-half (1/2) contour and elevations shall be based on coast and geodetic survey mean sea level data. Assumed data shall not be permitted. USGS quad maps shall not be accepted as evidence for topographic contours. Topographic contours on all preliminary drainage plans shall correctly depict land contours;

5. Locations, dimensions and name of existing streets, railroads, easements, municipal boundaries or other public properties and significant features shall be shown within and adjacent to the plat;

6. Location and right of way widths of existing and proposed streets, alleys and utility easements laid out according to sound planning principles;

7. Any proposed public areas;

8. Layout of proposed parcels of land including approximate dimensions of lot lines and lot numbers;

9. The approximate boundaries of areas as determined by a qualified drainage engineer, subject to inundations or

storm water overflows from a 100-year storm, and the location, width and direction of flow of all watercourses, lakes, marshy areas and swamps;

10. Approximate grades of streets;

11. Existing drainage facilities and structures, including existing roadside ditches, drainageways, gutter flow directions, culverts, etc. All pertinent information such as size, shape, slope, location, etc., shall also be included to facilitate review and approval of the drainage plans;

12. Overall drainage area boundary and drainage subarea boundaries;

13. Proposed outfall point for runoff from the study area;

14. Routing and accumulative flows at various critical points for the major storm runoff;

15. Critical minimum finished floor elevations for protection from major storm runoff.

C. Written Study And Report: A written preliminary drainage study and report on eight and one-half inch by eleven inch (8-1/2" x 11") size paper shall be submitted along with drainage plan. The information listed below, if not shown on the drawings, shall be included in the report:

1. Runoff calculations and method of analysis for both the initial storm and major storm, submitted in tabular form;

2. Open channel flow calculations;

3. Street capacities and flow calculations at critical street sections for initial storm runoff and major storm runoff;

4. Summation of all design variables used and design assumptions made;

5. Soil classification reports and depth of underground water table throughout the study area;

6. The boundary and designation of all tributary drainage areas and the area of each in acres;

7. The designation and location of each design point referred to in the calculations;

8. The reference source and a copy of all other monographs or design aids used in the calculations if they are not included in the town's specifications. (Ord. 61, 7-9-1984)

12-7-5: FINAL DRAINAGE STUDY: The final drainage study and report shall be prepared for submittal to the town engineer at the time when improvement plans are submitted for review. The study and report shall provide the same items specified for the preliminary drainage plan except that all calculations, maps and charts shall reflect the final design for all improvements. (Ord. 61, 7-9-1984)

CHAPTER 8 VARIANCES

SECTION:

12-8-1: Petition
12-8-2: Criteria For Approval
12-8-3: Conditions

12-8-1: PETITION: A petition for any such variance shall be submitted, in writing, by the subdivider at the time when the preliminary plat is filed for the consideration of the planning commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. (Ord. 61, 7-9-1984)

12-8-2: CRITERIA FOR APPROVAL: Where the planning commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, if the variance does not have the effect of nullifying the intent and purpose of these regulations. The planning commission shall not approve variances unless it finds, based upon the evidence presented to it in each specific case, that: A. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property; or B. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property; or C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or

D. The variance will not in any manner vary the provisions of the zoning ordinance, master plan or official map. (Ord. 61, 7-9-1984)

12-8-3: CONDITIONS: In approving variances, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations. (Ord. 61, 7-9-1984)

CHAPTER 9 ENFORCEMENT AND PENALTIES

SECTION:

12-9-1: Enforcement
12-9-2: Penalty
12-9-3: Civil Enforcement

12-9-1: ENFORCEMENT:

A. Enforcement Officer: The administrative official to the planning commission shall enforce these regulations and bring to the attention of the town attorney any violations or lack of compliance herewith.

B. Sale Before Final Approval Prohibited: No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of the subdivision has been approved by the town council, in accordance with the provisions of these regulations. (Ord. 61, 7-9-1984)

12-9-2: PENALTY: Wyoming Statutes section 15-1-610 provides the penalty for violators of the town planning and subdivision laws and regulations. (Ord. 61, 7-9-1984; amd. 2008 Code)

12-9-3: CIVIL ENFORCEMENT: Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described in this chapter. (Ord. 61, 7-9-1984)

TITLE 13 ZONING REGULATIONS

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Title And Purpose 1
Definitions 2
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    RD Residential Development District 4A
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CHAPTER 1 TITLE AND PURPOSE

SECTION:

13-1-1: Title
13-1-2: Short Title
13-1-3: Declaration Of Purpose

13-1-1: TITLE: An ordinance establishing specified land use districts or zones, and to regulate therein, buildings and structures according to their construction and the nature of and the extent of their use, and the nature and extent of the uses of land, in the incorporated area of the town of Elk Mountain, Wyoming, hereinafter referred to as the "town", and providing for the administration and enforcement of the provisions therein contained, including the retention of a board of adjustment, and fixing penalties for the violations thereof and repealing any ordinances or parts of ordinances in conflict with the provisions provided herein. (1970 Code § 29-12)

13-1-2: SHORT TITLE: This title shall be known and may be cited as the ELK MOUNTAIN ZONING ORDINANCE. (1970 Code 29-13)

13-1-3: DECLARATION OF PURPOSE: This zoning ordinance is adopted for the purpose of promoting the public health, safety, morals, and the general welfare of the community, and to further the following related and more specific objectives, to:

A. Guide and regulate the orderly growth, development, and redevelopment of the town in accordance with a comprehensive plan of long term objectives, principles, and standards deemed beneficial to the interests and welfare of the people;

B. Protect the established character and the social and economic well being of both private and public property;

C. Promote, in the public interest, the utilization of land for the purposes for which it is most appropriate;

D. Secure safety from fire, panic, and other dangers, and provide adequate light, air, and convenience of access;

E. Prevent overcrowding of land or buildings, and avoid undue concentration of population;

F. Lessen and, where possible, prevent traffic congestion on

public streets and highways;

G. Conserve the value of buildings and enhance the value of land throughout the town;

H. Encourage elimination of nonconforming uses. (1970 Code § 29-14)

CHAPTER 2 DEFINITIONS

SECTION:

13-2-1: Rules Of Construction
13-2-2: General Definitions

13-2-1: RULES OF CONSTRUCTION: Unless the context clearly indicates the contrary, words used in the present tense include the future; singular numbers include the plural, and the plural the singular. (1970 Code § 29-177)

13-2-2: GENERAL DEFINITIONS: Certain words and terms are used in this title for the purposes hereof and are defined as follows:

ACCESSORY USE OR BUILDING: A subordinate use or building customarily incidental to, and located on the same lot occupied by the main use or building. The term accessory building may include a private garage, garden shed or barn, a private playhouse, a private greenhouse, and a swimming pool in accordance with the provisions of this title.

AUTOMOBILE TRAILER COURT: A court designed for use by transient (vacation type) trailers drawn by passenger vehicles and/or motor homes. Such court may include accessory service facilities.

BASEMENT: A story partly underground, but having at least one-half (1/2) of its height above the average curb level of the street abutting the front of the lot, or above the average finished grade level of the ground immediately adjacent to the building.

BLOCK: A tract of land or a lot or group of lots, bounded by streets, public parks, or parkways, railroad rights of way, watercourses or bodies of water, unsubdivided lands, or boundary lines of the county or any combination thereof.

BLOCK FRONTAGE: That portion of a block which abuts a single street.

BOARDING OR LODGING HOUSE: A private dwelling in which at least two (2) but no more than six (6) rooms are offered for rent, payable in money or other consideration, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained.

BUILDING: A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property,

including tents, lunch wagons, dining cars, camp cars, trailers, and other roofed structures on wheels or other supports used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purposes. For the purposes of this definition "roof" shall include an awning, or other similar covering, whether or not permanent in nature.

BUILDING, AREA OF: The horizontal area measured around the outside of the foundation walls and of the floors or roofed porches and roofed terraces inclusive, and including the area of accessory buildings if any. In the case of split level dwellings, the "first floor area" shall be deemed to include floor areas on two (2) nonoverlapping levels, separated by a half story, or less, of height.

BUSINESS CENTER DEVELOPMENT: A tract of land, buildings or structures planned as a whole and intended for one or more establishments for a commercial purpose on a site, whether built at one time as a unit, or in two (2) or more construction stages.

CELLAR: A space having more than one-half (1/2) its height below the average curb level of the street abutting the front of the lot, or below the average finished grade level of the ground immediately adjacent to the building. A cellar shall not be used for residential purposes.

DWELLING: A building arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises. (See also definitions of Multiple Dwelling and Single-Family Detached Dwelling.)

DWELLING UNITS: One or more rooms with provisions for cooking, living, sanitary, and sleeping facilities arranged for the use of one family. (See also definitions of Multiple Dwelling and Single-Family Detached Dwelling.)

FAMILY: One or more individuals living independently as a single housekeeping unit who are related by blood or marriage and using cooking facilities and certain rooms in common. A "family" may include two (2) persons as roomers not related by blood or marriage. A "family" shall not be deemed to include the occupants of a college dormitory or residential club.

FILLING STATION: A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A filling

station may include accessory facilities for rendering services such as lubrication, washing, and minor repairs with hand tools.

GARAGE: A building or part thereof used for the storage or parking of one or more vehicles.

GARAGE, PARKING: A garage for the convenience of the general public in which no servicing, repairs, washing, or reconditioning of motor vehicles is carried on.

GARAGE, REPAIR: Any garage other than a private garage or parking garage. A repair garage may include servicing, repairs, washing or reconditioning of motor vehicles, and filling station facilities.

HEIGHT OF A STRUCTURE: The vertical distance derived from the average finished grade at the foundation corners of the building or structure, to the highest point of the building or structure excluding a chimney or other similar structure listed in subsection 13-5-6A of this title.

HOME OCCUPATION: A customary personal service occupation such as dressmaking, millinery, and home cooking; provided, that such occupation shall be conducted solely by members of the resident family and in the main building only, that no more than the equivalent of one-half (1/2) of the area of one floor shall be used for such purposes, that no display of products made shall be visible from the street, that no stock in trade shall be kept, and that no mechanical or electrical equipment is used except customary household equipment. Beauty parlors, barbershops, and hairdressing and manicuring establishments shall not be deemed to be home occupations.

HOME PROFESSIONAL OFFICE: A. The home office or studio of a resident physician, surgeon, dentist, lawyer, architect, artist, engineer, certified public accountant, real estate broker or salesman, insurance broker or agent, musician or teacher is herein restricted; provided, that not more than two (2) persons are employed who are not members of the family, and that the office shall be in the main building and shall not occupy more than the equivalent of one-half (1/2) of the floor area of said building. For the purposes of this definition, a "teacher" shall be restricted to a person giving individual instruction in a musical instrument, in singing, or in academic or scientific subjects to a single pupil at a time.

B. Excluded Or Not Included:

1. A "home professional office" shall not include the office of any person professionally engaged in the purchase or sale of economic goods.

2. Tea rooms, tourist homes, beauty parlors, barbershops, hairdressing and manicuring establishments, convalescent homes, mortuary establishments, and stores, trades or businesses of any kind not herein excepted shall not be deemed to be home professional offices.

C. The "home professional office" of a physician shall not include a biological or other medical testing laboratory.

D. The home in which such "home professional office" is located shall maintain a residential character and quality.

HOSPITAL: A building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified. A hospital shall be deemed to include a sanitarium, sanatorium, clinic, convalescent home, nursing home, rest home, or other building with an equivalent appellation. A hospital shall not include care and treatment of mental patients, liquor or drug addicts except incidentally.

HOTEL: A building or part thereof which has a common entrance, common heating system, and general dining room, and which contains seven (7) or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation.

INDUSTRIAL PARK: A ground of nonnuisance industrial plants on a single parcel of land or on separate parcels contiguously arranged so as to form a planned development of industrial sites, building or buildings.

INDUSTRY, NONNUISANCE: Any industry which is not detrimental to the environment in which it is located by reason of the emission of smoke, noise, odor, dust, vibration or excessive light beyond the limits of its lot, or by reason of generating excessive traffic with attendant hazards, and which does not include any open storage yards or outdoor processing of materials.

JUNKYARD: A lot, land, or structure or part thereof, used primarily for the collecting, storage and sale of wastepaper, rags, scrap metal, or other scrap or discarded material; or for the collection, dismantling, storage or salvaging of

machinery or vehicles not in running condition, and for the sale of parts thereof.

LOT: A parcel of land used or designed to be used by one use or structure, or by a related group of uses or structures, and the accessory uses or structures customarily incident thereto, including such open spaces as are arranged or designed and required in connection with such structure or group of structures. A "lot" may be a single lot of record. The word "lot" includes the word "plot".

LOT AREA: The total horizontal area included within lot lines.

LOT, CORNER: A lot at the junction of and fronting on two (2) or more intersecting streets, the angle of intersection being not more than one hundred thirty five degrees (135°).

LOT, DEPTH OF: The mean distance between the front lot line and the rear lot line. The greater frontage of a corner lot is its depth and the lesser frontage is its width. Any boundary of a lot.

LOT LINE: Any lot line not a rear lot line nor a front lot line shall be deemed a side lot line.

LOT LINE, FRONT: The street line at the front of a lot. On a corner lot, the owner may specify the front lot line on the plot plan.

LOT LINE, REAR: The lot line opposite to the front lot line.

LOT, THROUGH: A lot extending from one street to another.

LOT, WIDTH OF: The mean dimension measured at substantially right angles to the depth of the lot.

MAIN USE OR BUILDING: The principal or most important use or building on a lot.

MAY: Permissive.

MEDICAL OFFICE BUILDING: A building used exclusively by physicians and dentists for treatment and examination of patients; provided, that no overnight patients shall be kept on the premises.

MEMBERSHIP CLUB: A building structure, lot or land area used as a private club or social organization not conducted for profit or gain.

MILL: A reducing plant where ore is concentrated and/or metals recovered.

MILLING: The grinding or crushing of ore. The term may include the operation of removing valueless or harmful constituents in preparation for market.

MINE: An opening or excavation in the earth for the purpose of extracting minerals.

MINERAL EXPLORATION: The search for coal, mineral or ore by: a) geological surveys, b) geophysical prospecting, c) boreholes and trial pits, or d) surface or underground headings, drifts or tunnels.

MINING: The process of obtaining useful minerals from the earth's crust, including both underground excavations and surface workings.

MODULAR HOME: A factory built or manufactured home whose construction and materials are in accordance with the national uniform building code.

MOTEL: A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units with direct outside access, designed primarily for transient automobile travelers, and provided with accessory off street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include mobile or immobile trailers.

MULTIPLE DWELLING: A building arranged, intended or designed to be occupied by three (3) or more families living independently of each other as separate housekeeping units.

MULTIPLE-DWELLING DEVELOPMENT: One or more multiple-dwelling buildings planned as a single unit.

NET RESIDENTIAL DENSITY: The ratio obtained by dividing the number of dwelling units on a lot by the area (excluding drives, streets, and required open space) of the lot expressed in units per acre.

NONCONFORMING STRUCTURE: A structure lawfully existing at the effective date hereof or any amendment hereto affecting such structure, which does not conform to the building regulations of this title for the district in which it is situated, irrespective of the use to which such structure

is put.

NONCONFORMING USE: Any use of a building, structure, lot or land, or part thereof, lawfully existing at the effective date hereof or any amendment hereto affecting such use, which does not conform to the use regulations of this title for the district in which it is situated.

PARKING AREA: A lot or part thereof used for the storage or parking of motor vehicles, with or without the payment of rent or charges in money or other consideration.

PERSON: Includes a profit or nonprofit corporation, company, partnership, or individual.

PLANNING COMMISSION: The planning commission of Elk Mountain plus the Carbon County planning commission when said groups are meeting jointly.

PROCESSING: The methods employed to clean, process and prepare coal and metallic ores into the final marketable product.

PUBLIC NOTICE: Notice of the time and place of a hearing, meeting or proceeding printed in the official newspaper of Elk Mountain as required by law.

SAND OR GRAVEL PIT: A lot or land, or part thereof, used for the purpose of extracting sand, gravel, soil for sale, as an industrial operation and exclusive of the process of legitimate excavation of a lot preparatory to the construction of a building.

SHALL: Mandatory and not directory.

SIGN: Any device or method which visually imparts a message through the use of text, pictures, or models, to individuals using public rights of way.

SIGN, ADVERTISING: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the property and only incidentally upon the property if at all.

SIGN, ANNOUNCEMENT OR PROFESSIONAL: A sign on a residential building which directs attention to a home professional office, home occupation or professional office in such residential building.

SIGN, BUSINESS: A sign which directs attention to a business or profession

conducted upon the property where the sign is displayed.

SINGLE-FAMILY DETACHED DWELLING: A building on a lot designed and occupied exclusively as a residence for one family, and which has no part at all in common with an adjacent building. For purposes of this title, trailers, automobile trailers, and mobile homes are not considered single-family detached dwellings.

SPECIAL PERMIT USE: A use specified in one or more districts for which the planning commission may grant a permit, pursuant to the provisions of this title.

STREET: Any road, highway, avenue, street, parkway, lane or other way, public or private, set aside and commonly used by the public for street purposes and shown upon the town map or upon a filed plat.

STREET LINE: The dividing line between a lot and the outside boundary of a public street or street right of way, or between a lot and a private street which serves two (2) or more separately owned homes or buildings.

STRUCTURE: Anything constructed or erected on or under the ground or upon another structure or building, but not including elements such as lean-tos, fences, pump house, or other minor buildings accessory to an agricultural use. The word "structure" includes the word "building".

SWIMMING POOL, PRIVATE: Any constructed body of water or structure to contain water, pursuant to the provisions of section 13-5-16 of this title and any accessory equipment pertaining thereto, used or intended to be used for swimming or bathing by any family or persons residing on the premises and their guests. Such private swimming pool shall not be operated for gain and shall be located on a lot only as an accessory use to the dwelling or dwellings, hotel, motel, or membership club thereon.

TOURIST HOME: A residential building in which rooms are rented primarily to transient automobile travelers.

TRAILER, INCLUDING AUTOMOBILE TRAILER AND MOBILE HOME: Any vehicle or structure intended or designed to be used or occupied for dwelling purposes, or any commercial use, which utilizes wheels and axles for its transportation or is designed to be transported either as a unit on separate wheels or axles or in two (2) portions on separate wheels or axles, including modular homes with two (2) modules.

TRAILER OR MOBILE HOME COURT: A lot or part thereof, with its appurtenant facilities, used primarily for the parking of two (2) or more trailers utilized on such lot for living or sleeping purposes, and not designed for transient use.

USE: The word "use" and the word "used" refer to any purpose for which a lot of land or part thereof is arranged, intended, or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.

VARIANCE: A modification of the regulations of this title granted on grounds of practical difficulties or unnecessary hardship, not self-imposed, pursuant to the provisions of section 13-6-9 of this title, and the laws of the state of Wyoming.

YARD, FRONT: An open unoccupied space on the same lot with a building situated between the nearest roofed portion of the building and the front lot line of the lot and extending from side lot line to side lot line.

YARD, REAR: A space on the same lot with a building situated between the nearest roofed portion of the building and the rear lot line of the lot, and extending from side lot line to side lot line.

YARD, SIDE: An open unoccupied space on the same lot with a building situated between the nearest roofed portion of the building or of any accessory building and the side lot line of the lot, and extending through from the front yard or from the front lot line where no front yard exists, to the rear yard, or to the rear lot line where no rear yard exists.

ZONING OFFICER: The duly constituted town official designated to administer and enforce this title. (1970 Code § 29-177; amd. 2008 Code)

CHAPTER 3 APPLICATION OF REGULATIONS

SECTION:

13-3-1: Conformity With Use Regulations
13-3-2: Conformity With Design Standards
13-3-3: Extraction Or Production Of Mineral Resources
13-3-4: Relation Of Title To Other Provisions Of Law, Covenants, And Agreements
13-3-5: Validity
13-3-6: Extraterritorial Application
13-3-7: Additional Duties Of Planning Commission

13-3-1: CONFORMITY WITH USE REGULATIONS: Except as hereinafter provided, no building or structure or part thereof and no lot or land or part thereof shall hereafter be used, except in conformity with the use regulations herein prescribed. Any existing lawful nonconformity with the use regulations of this title shall be deemed a nonconforming use, except that uses granted as the result of an approved special use permit by the planning commission or town council pursuant to section 13-3-7 of this chapter and section 13-5-15 of this title shall be deemed conforming uses. Use variances granted by the town council pursuant to section 13-6-9 of this title shall be deemed nonconforming uses. (1970 Code § 29-15)

13-3-2: CONFORMITY WITH DESIGN STANDARDS: Except as hereinafter provided, no building or structure or part thereof shall hereafter be erected, structurally altered, enlarged or rebuilt except in conformity with the lot dimension, yard coverage, height, and density regulations herein prescribed. Any building or structure that does not conform to such regulations, hereinafter referred to as the design standards of this title, shall be deemed a nonconforming structure, irrespective of the use to which it is put. Use variances granted by the town council pursuant to section 13-6-9 of this title on grounds of practical difficulties or unnecessary hardship, not self-imposed, shall be deemed nonconforming structures. (1970 Code § 29-16)

13-3-3: EXTRACTION OR PRODUCTION OF MINERAL RESOURCES:

A. Permit Required: No person, firm, copartnership or corporation shall excavate, drill or otherwise explore for, or produce, any uranium, coal, oil, gas or other minerals within the town limits without first obtaining a permit to do so. Permits shall be issued only after approval by the town council upon a showing by the applicant that the

excavation, drilling or exploration will not have a significant detrimental effect upon the residents or environment of the town. (1970 Code § 29-18)

B. Penalty For Violation: All persons, firms, copartnerships or corporations violating the terms of this title shall be subject to penalty as provided in section 1-4-1 of this code for each violation. Each day that this chapter is violated shall constitute a separate offense. (1970 Code § 29-18; amd. 2008 Code)

13-3-4: RELATION OF TITLE TO OTHER PROVISIONS OF LAW, COVENANTS, AND AGREEMENTS:

A. Nothing contained in this title shall be taken to repeal, abrogate, annul, or in any way impair or interfere with any provisions of law or ordinance or regulations existing, or as may be adopted in the future. Nor is it intended by this title to interfere with or abrogate or annul any easements, covenants or other agreements between parties. Where this title imposes a greater restriction upon the use of buildings, structures, premises, lots or land, or upon the height of buildings or structures, or requires larger lots, yards, courts or other open spaces than imposed or required by such other provisions of law, ordinance, or regulation, or by such easements, covenants or agreements, the provisions of this title shall control.

B. Wherever the provisions of any other law or ordinance or regulations impose a greater restriction than this title, the provisions of such other law or ordinance or regulations shall control.

C. No provisions contained in this title shall be construed as justifying the encroachment of any building or structure within any street lines now or hereafter laid down or officially mapped. (1970 Code § 29-21)

13-3-5: VALIDITY: If any article, section, subsection, paragraph, clause, phrase or provision of this title or the location of any district boundary shown on the zoning map that forms a part hereof shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this title or zoning map as a whole or any part or provisions hereof other than the part so adjudged to be invalid or unconstitutional. (1970 Code § 29-22)

13-3-6: EXTRATERRITORIAL APPLICATION: The terms of this title shall be effective for one mile outside of the corporate limits

of the town of Elk Mountain. (1970 Code § 29-22.1)

13-3-7: ADDITIONAL DUTIES OF PLANNING COMMISSION: The town planning commission shall fulfill the functions of the board of adjustment, and whenever within this title such term is used, it shall be taken as meaning the planning commission. (1970 Code § 19-22.2)

CHAPTER 4 DISTRICT REGULATIONS

SECTION:

13-4-1: Districts Established
13-4-2: District Boundaries

13-4-1: DISTRICTS ESTABLISHED: For the purposes of this title, the town is divided into four (4) classes of districts as follows:

D	Residential development district
OT	Residential development trailer district
C	Commercial district
I	Industrial district

(1970 Code § 29-19)

13-4-2: DISTRICT BOUNDARIES:

A. Zoning Map: The boundaries of each district or zone are established as shown on the official zoning map of the town which accompanies this title and is declared to be part of this title.

B. Delineation Of District Boundaries: The district boundary lines are intended generally to follow the centerline of streets and similar rights of way or lot lines or straight line projections of such lines, or town boundary lines, township or section lines all as shown on the zoning map; but where a district boundary line does not follow such a line, its position is shown on said zoning map by a specific dimension expressing its distance in feet from a street line or another boundary line as indicated.

C. Interpretation Of District Boundaries: In case of uncertainty as to the true location of a district boundary line in a particular instance, the determination thereof shall be made by the zoning officer. An appeal may be taken to the town council, as provided in section 13-6-8 of this title. (1970 Code § 29-20)

CHAPTER 4 DISTRICT REGULATIONS

ARTICLE A. RD RESIDENTIAL DEVELOPMENT DISTRICT

SECTION:

13-4A-1: Purpose
13-4A-2: Permitted Uses
13-4A-3: Special Permit Uses
13-4A-4: Accessory Uses
13-4A-5: Lot And Yard Requirements
13-4A-6: General Provisions
13-4A-7: Site Plan Approval
13-4A-8: Structure As Percentage Of Lot

13-4A-1: PURPOSE: The purpose of this district is to provide for usable open space, convenience, accessibility, utility and services in areas planned for residential development except for mobile homes within the town. Density control through variable land area per unit requirements permits a variety of housing types to fit varying needs throughout the town. (1970 Code § 29-30)

13-4A-2: PERMITTED USES: Buried underground utility lines and facilities and overhead electrical transmission lines only if they exclusively serve the town and its residents.

Churches and Sunday schools.

Crop and garden uses.

Public parks and playgrounds.

Public schools.

Residential dwelling unit development including single-family usage except mobile homes. Two-family dwelling units and multiple dwelling units shall only be permitted in areas with the subclassifications of 3,000 and 1,500. (1970 Code § 29-31)

13-4A-3: SPECIAL PERMIT USES: The following uses are permitted subject to the planning commission approval pursuant to section 13-5-15 of this title:

"Boarding or lodging house" as defined in section 13-2-2 of this title and RD 3,000 and 1,500 only.

Daycare centers.

Hospital.

Membership clubs.

Nursing, rest, and convalescent homes in RD 3,000 and 1,500 only.

Planned unit development (see sections 13-5-7 and 13-5-11 of this title). (1970 Code § 29-32)

13-4A-4: ACCESSORY USES:

Customary noncommercial accessory structures and uses.

"Private swimming pools" as defined in section 13-2-2 of this title.

Signs, pursuant to section 13-5-13 of this title.

Where the primary use is residential, accessory commercial usage may be permitted if it is found that the following factors are substantially met:

A. There is adequate parking in the neighborhood.

B. The appearance of the neighborhood would not be adversely affected.

C. The noise level in the neighborhood would not be significantly adversely affected.

D. The traffic in the neighborhood would not be significantly adversely affected.

E. The commercial usage would create no fire danger to surrounding homes.

F. Public health would not be adversely affected.

G. The proposed accessory commercial use is not incompatible with usage by the adjoining landowners.

Prior to any accessory use being implemented under the terms of this subsection, a special use permit must be obtained. (1970 Code § 29-33)

13-4A-5: LOT AND YARD REQUIREMENTS:

A. Without Public Or State Approved Water Or Sewage System: Minimum lot area and width for lots without either a public or state approved community water supply or sewage treatment system:

1. One acre per dwelling unit;

2. One hundred fifty foot (1S0') lot width.

B. With Public Or State Approved Water Or Sewage System: Minimum lot area and width for lots with both a public or state approved community water supply and sewage treatment system:

	Minimum Lot Area (Square Feet)	Lot Width (1)	Corner Lot Width	Lot Depth
RD 40,000	40,000	150 feet	170 feet	200 feet
RD 15,000	15,000	90 feet	105 feet	140 feet
RD 7,500	7,500	60 feet	75 feet	100 feet
RD 3,000	6,000	60 feet	75 feet	100 feet
RD 1,500	9,000	70 feet	85 feet	120 feet

Note:

1. If adjacent to a street other than a local street; or if adjacent to a commercial or industrial zone, the lot width when adjacent on the side shall be increased 15 feet and the lot depth when the rear lot line is adjacent, shall be increased 20 feet.

C. Minimum Yards (Feet):

	RD 40,000	RD 15,000	RD 7,500	RD 3,000	RD 1,500
Main Building:					
Front	35 feet	30 feet	25 feet	25 feet	25 feet
Side	15 feet	10 feet	8 feet	8 feet	(1,2)
Rear	25 feet (2)	25 feet	25 feet	25 feet	20 feet
Corner	35 feet	20 feet	15 feet	15 feet	15 feet
Accessory Building:					
Front	25 feet	25 feet	25 feet	25 feet	25 feet
Side	5 feet	5 feet	5 feet	5 feet	5 feet
Rear	5 feet (2)	5 feet	5 feet	5 feet	5 feet
Corner	35 feet	20 feet	15 feet	15 feet	15 feet

Notes:

1. 1 foot for each 2 feet of building height, but not less than 8 feet.
2. If abutting an RD 40,000, 15,000 or 7,500 district, the setback from the lot line acting as the district boundary shall not be less than twice the height of the proposed building.

D. Maximum Building Height: Thirty five feet (35').

E. Open Space (Private): In the RD 1,500 and RD 3,000 districts not less than fifty five percent (55%) of the site shall be reserved and improved as open space for the use of occupants. Open space does not include parking

areas. (1970 Code § 29-34)

13-4A-6: GENERAL PROVISIONS: Use of land in this district shall also conform to the off street parking and other provisions of section 13-5-9 of this title. (1970 Code § 29-35)

13-4A-7: SITE PLAN APPROVAL:

A. Required for all permitted uses pursuant to section 13-5-14 of this title.

B. Required for all special permit uses. (1970 Code § 29-36)

13-4A-8: STRUCTURE AS PERCENTAGE OF LOT: No dwelling and related accessory buildings shall occupy more than forty five percent (45%) of the parcel on which they are located. The strict application of this performance standard, however, may be varied by the planning commission where an extreme hardship to the applicant would result from its strict application. (1970 Code § 29-37)

CHAPTER 4 DISTRICT REGULATIONS

ARTICLE B. RDT RESIDENTIAL DEVELOPMENT TRAILER DISTRICT

SECTION:

13-4B-1: Purpose
13-4B-2: Permitted Uses
13-4B-3: Special Permit Uses
13-4B-4: Accessory Uses
13-4B-5: Lot And Yard Requirements
13-4B-6: General Provisions
13-4B-7: Site Plan Approval

13-4B-1: PURPOSE: The purpose of this district is to provide for usable open space, convenience, accessibility, utility and services in areas planned for residential development, including mobile homes within the town. (1970 Code § 29-38)

13-4B-2: PERMITTED USES: Within the ROT district, all uses permitted within a residential district shall be permitted, and, in addition, mobile homes shall be allowed. (1970 Code § 29-39)

13-4B-3: SPECIAL PERMIT USES: All special permit uses allowed in the RD district shall be allowed in the ROT district. (1970 Code § 29-40)

13-4B-4: ACCESSORY USES: All accessory uses permitted in the RD district shall be permitted in the ROT district. (1970 Code § 29-41)

13-4B-5: LOT AND YARD REQUIREMENTS:

A. Without Public Or State Approved Water Or Sewage System: Minimum lot area and width for lots without either a public or state approved community water supply or sewage treatment system:

1. One acre per dwelling unit.

2. One hundred fifty foot (150') lot width. (1970 Code § 29-42; amd. 2008 Code)

B. With Public Or State Approved Water Or Sewage System: Minimum lot area and width for lots with both a public or state approved community water supply and sewage treatment system:

	Minimum Lot Area (Square Feet)	Lot Width (1)	Corner Lot Width	Lot Depth
RDT	9,000	70 feet	85 feet	120 feet

Note:

1. If adjacent to a street other than a local street; or if adjacent to a commercial or industrial zone, the lot width, when adjacent on the side shall be increased 15 feet, and the lot depth when the rear lot line is adjacent, shall be increased 20 feet.

C. Minimum Yards:

	RD 1,500
Main structure:	
Front	25
Side	(1,2)
Rear	20 (2)
Corner	15
Accessory buildings:	
Front	25
Side	5
Rear	5
Corner	15

Notes:

1. 1 foot for each 2 feet of building height but not less than 8 feet.
2. If abutting an RD 4,000, 15,000 or 7,500 district, the setback from the lot line acting as the district boundary shall not be less than twice the height of the proposed building.

D. Maximum Building Height: Thirty five feet (35').

E. Open Space (Private): In the ROT 1,500 district, not less than twenty five percent (25%) of the site shall be reserved and improved as open space for the use of occupants. Open space does not include parking areas. (1970 Code § 29-42)

13-4B-6: GENERAL PROVISIONS: Use of land in this district shall also conform to the off street parking and other provisions of section 13-5-9 of this title. (1970 Code § 29-43)

13-4B-7: SITE PLAN APPROVAL:

A. Required for all permitted uses pursuant to section 13-5-14 of this title.

B. Required for all special permit uses. (1970 Code § 29-44)

CHAPTER 4 DISTRICT REGULATIONS

ARTICLE C. C COMMERCIAL DISTRICT (1)

SECTION:

13-4C-1: Purpose
13-4C-2: Permitted Uses
13-4C-3: Special Permit Uses
13-4C-4: Accessory Uses
13-4C-5: Lot And Yard Requirements
13-4C-6: General Provisions

13-4C-1: PURPOSE: The purpose of this district is to provide for appropriately designed shopping, professional, personal service, and highway oriented business facilities at appropriate locations in the town. (1970 Code § 29-50)

13-4C-2: PERMITTED USES:

Automotive filling stations, repair garage, repair shop, and similar type uses (see section 13-5-5 of this title).

Barbershop, beauty shop, self-service laundry or dry cleaning establishment or pick up agency, tailor or dressmaking shop, or other personal service shop.

Buried underground utility lines and overhead electrical transmission lines only if they exclusively serve the town.

Daycare centers, nursing, rest and convalescent homes.

General appliance servicing and appliance repair shop.

_____

1. See section 14-7-7 of this code for provisions regarding commercial developments.

Hotels, motels, lodges, tourist lodges.

Membership club, theater, churches.

Office building for financial institution, real estate or insurance office, professional services such as lawyer, doctor, dentist, studio or agency, medical office buildings, or hospital.

Residence only when used by the owner or manager of an adjacent business use on the same site. Restaurant, cafe,

tavern or other place serving food and beverage.

Retail store or shop; business center development (enclosed, no outdoor sales or storage). (1970 Code § 29-51)

13-4C-3: SPECIAL PERMIT USES: The following uses are permitted subject to planning commission approval pursuant to section 13-5-15 of this title:

Bus passenger station.

Drive-in theaters.

Funeral parlor.

Printing and publishing establishment.

Public utility building, structure or facility and overhead electrical transmission lines only if said lines serve areas other than the town.

Travel trailer court.

Warehouse, distribution center, terminal, lumberyard. (1970 Code § 29-52)

13-4C-4: ACCESSORY USES:

Accessory off street parking and loading pursuant to section 13-5-9 of this title.

Customary accessory uses and structures.

Signs, pursuant to section 13-5-13 of this title. (1970 Code § 29-53)

13-4C-5: LOT AND YARD REQUIREMENTS:

A. Minimum Lot Area: Minimum lot area shall be designed and maintained at three (3) times the total building floor space area to provide for parking, loading, circulation and pedestrian walks.

B. Minimum Front, Side And Rear Yards:

1. Front And Corner (Whenever Adjacent To A Street): A minimum of fifteen feet (15') of which ten feet (10') shall be landscaped to the satisfaction of the planning commission.

If across the street from an RD district, the distance shall be increased to twenty five feet (25') of which fifteen feet (15') shall be landscaped.

2. Rear And Side: When adjacent to an RD district, a minimum setback equal to two (2) times the height of the proposed building is required. In addition, a solid fence or wall not less than six feet (6') in height may be required on the zone boundary line. (1970 Code § 29-54)

C. Building Height: No buildings shall exceed sixty feet (60') unless a greater height is approved by the planning commission if it is determined that said additional height has no detrimental effect on the neighborhood. (1970 Code § 29-54; amd. 2008 Code)

13-4C-6: GENERAL PROVISIONS: Use of land in this district shall also conform to the off street parking and other provisions of section 13-5-9 of this title. (1970 Code § 29-55)

CHAPTER 4 DISTRICT REGULATIONS

ARTICLE D. I INDUSTRIAL DISTRICT (1)

SECTION:

13-4D-1: Purpose
13-4D-2: Permitted Uses
13-4D-3: Special Permit Uses
13-4D-4: Accessory Uses
13-4D-5: Yard And Height Requirements
13-4D-6: General Provisions
13-4D-7: Site Plan Approval

13-4D-1: PURPOSE: The purpose of this district is to provide for industrial development in locations best suited for it, and to avoid an uncontrolled mix with residential development. (1970 Code § 29-63)

13-4D-2: PERMITTED USES:

Any industrial mining and manufacturing use or industrial park which is not obnoxious, toxic, hazardous or offensive by reason of the emission of dust, smoke, fumes, gas, odors or noise beyond the I district area boundaries. Any non nuisance industry. Public utility building structure or facility and overhead electrical transmission lines if said lines only serve Elk Mountain. (1970 Code § 29-64)

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1. See section 14-7-6 of this code for provisions regarding industrial development.

13-4D-3: SPECIAL PERMIT USES: The following uses are permitted subject to the planning commission approval pursuant to section 13-5-15 of this title: Any use permitted automatically or by special use permitted in the C district in support of industrial facilities and activities. Any use which cannot meet the requirements of section 13-4D-2 of this chapter. Junkyard. Sand or gravel pit. (1970 Code § 29-65)

13-4D-4: ACCESSORY USES:

Accessory off street parking and loading pursuant to section 13-5-9 of this title. Customary accessory uses and structures. Signs, pursuant to section 13-5-13 of this title. (1970 Code § 29-66)

13-4D-5: YARD AND HEIGHT REQUIREMENTS:

A. Front And Corner Setback (Whenever Adjacent To A Street): A minimum of fifty feet (50') is required if across the street from existing residential structures.

B. Rear And Side Setback: If adjacent to an existing residential structure, a minimum setback equal to four (4) times the height of the building is required. In addition, a solid fence or wall not less than six feet (6') in height is required on the zone boundary line.

C. Building Height: No building shall exceed a maximum height of fifty feet (50') unless additional height is approved by the planning commission if it is determined that said additional height is not detrimental to the neighborhood. (1970 Code § 29-67)

13-4D-6: GENERAL PROVISIONS: Use of land in this district shall also conform to the provisions of chapter 5 of this title. (1970 Code § 29-68)

13-4D-7: SITE PLAN APPROVAL:

A. Required for all I district uses and additions and revisions thereto pursuant to section 13-5-14 of this title.

B. Required for all special permit uses pursuant to section 13-5-15 of this title. (1970 Code § 29-69)

CHAPTER 5 SUPPLEMENTAL REGULATIONS

SECTION:

13-5- 1: Access Driveways
13-5- 2: Accessory Uses And Structures, Placement
13-5- 3: Area
13-5- 4: Existing Buildings And Uses, Nonapplicability
13-5- 5: Garages, Filling Stations, And Car Washing Stations; Special Provisions
13-5- 6: Height
13-5- 7: Mobile Home Parks
13-5- 8: Nonconforming Uses
13-5- 9: Off Street Parking
13-5-10: Open Spaces
13-5-11: Planned Unit Development
13-5-12: Sanitation
13-5-13: Signs
13-5-14: Site Plan Approval As Required For Permitted Uses
13-5-15: Special Permit Use Requirements
13-5-16: Swimming Pool, Private
13-5-17: Topsoil, Stripping Of
13-5-18: Water Supply
13-5-19: Yards ACCESS

13-5-1: DRIVEWAYS:

A. Minimum Width: All access driveways for a public garage, public parking area, filling station, service station or car washing station located on the same lot may be used for separate or combined entrance and exit. Every separate entrance or exit access driveway shall have a minimum unobstructed width of ten feet (10'). Every combined entrance and exit access driveway shall have a minimum total unobstructed width of twenty feet (20').

B. Lot Does Not Abut Alley Or Easement Access: Where a lot does not abut on a public or private alley or easement access, an access driveway not less than ten feet (10') in width shall be provided a private garage.

C. Fractional Space: In all districts when the required parking area or number of parking spaces results in the requirement of a fractional space, any fraction under one-half (1/2) may be disregarded, and any fraction one-half (1/2) and over shall be construed as requiring a full space. (1970 Code § 29-118)

13-5-2: ACCESSORY USES AND STRUCTURES, PLACEMENT: The placement of

a private garage, accessory parking area or other accessory building or use shall be subject to the following requirements:

A. No accessory building shall be constructed within five feet (5') of any rear lot line.

B. Nothing contained herein shall prevent the construction of a private garage as a structural part of a main dwelling; provided, that when so constructed, the exterior garage walls shall be regarded as the walls of the main dwelling in applying the front, rear, and side yard regulations of this title.

C. No private garage or other accessory building or parking area shall be within a required front yard, nor within a required side yard; except that in any nonresidential district, a parking area may utilize the portion of a side yard not otherwise required for a planting screen.

D. Any access driveway may be located within a required side yard or required front yard.

E. Required accessory buildings and uses shall be on the same lot with the main building or buildings, or on an immediately adjacent lot in the same ownership, or within the site limits of an approved site plan of development.

F. Required accessory parking areas and truck loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across an adjoining lot.

G. No required accessory parking area or off street truck loading space shall be encroached upon by buildings, open storage, or any other use.

H. Accessory private garages may be constructed within or under any portion of a main building; provided, that the access driveway does not at any point have a grade in excess of ten percent (10%). (1970 Code § 29-101)

13-5-3: AREA: No single-family residence building shall hereafter be erected (exclusive of attached garages, porches, cellars and basements) of less than six hundred (600) square feet of ground floor area. (1970 Code § 29-111)

13-5-4: EXISTING BUILDINGS AND USES, NONAPPLICABILITY: The provisions of subsections 13-5-9A through F of this chapter

shall not apply to any building, structure or use lawfully in existence at the effective date hereof, whether continued as a permitted or a non-conforming use, or thereafter converted or changed, without enlargement, to a different lawful use. (1970 Code § 29-119)

13-5-5: GARAGES, FILLING STATIONS, AND CAR WASHING STATIONS; SPECIAL PROVISIONS: All public garages and filling stations shall be so arranged and all gasoline pumps shall be so placed as to permit all services to be rendered entirely within the lot lines. No gasoline or oil pump shall be placed within fifteen feet (15') of any street line or side lot line, nor within twenty feet (20') of any residential district boundary line. (1970 Code § 29-113)

13-5-6: HEIGHT:

A. Nonrestricted Height: Nothing herein contained shall restrict the height of a church spire, cupola, dome, mast, belfry, clock tower, radio or transmission line, tower, flagpole, chimney flue, water tank, elevator or stair bulkhead, stage tower, scenery loft, or similar structure. No such structure shall:

1. Have a lot coverage at the base in excess of ten percent (10%) of the lot area;

2. Be used for residence or tenancy purposes;

3. Have any advertising sign or device inscribed upon or attached to such structure.

B. Private Garage Or Accessory Building: No private garage or other accessory building in a residential district shall exceed twenty feet (20') in height. (1970 Code § 29-103)

13-5-7: MOBILE HOME PARKS (1): A mobile home park, in any district where permitted, shall be subject to the following additional provisions: (1970 Code § 29-134)

A. Density: A mobile home park shall not be developed at a residential density greater than eight (8) mobile home spaces per acre. (1970 Code § 29-134; amd. 2008 Code)

B. Water And Sewer: Each mobile home space shall be connected to a water supply system and sewage treatment system which meets the state of Wyoming health standards. (1970 Code § 29-134)

C. Road Width: All roads shall have a minimum width of thirty four feet (34'). (1970 Code § 29-134; amd. 2008 Code)

D. Electric And Telephone Utilities: Electric and telephone utilities shall be underground.

E. Recreational And Open Space: Each mobile home park shall provide recreational and open area, exclusive of mobile home spaces, amounting to no less than ten percent (10%) of the total park site.

F. Site Plan: A site plan of development shall be submitted with the application and shall show the design and arrangements of all the above requirements plus other proposed facilities. (1970 Code § 29-134)

13-5-8: NONCONFORMING USES:

A. Unlawful Uses Not To Be Construed As Nonconforming: An unlawful building or structure, or unlawful use of a building, structure, lot or land existing at the effective date hereof, shall not be deemed to be a nonconforming building, structure, or use. (1970 Code § 29-124)

B. Continuation: Any lawful use which occupies any building or structure, lot or land at the effective date hereof or any amendment hereto, but does not comply with the use regulations of the district in which it is situated after the effective date hereof or any amendment thereto, may be continued as a nonconforming use in the building or structure or upon the lot or land so occupied. (1970 Code § 29-125)

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1. See also sections 14-5-10 and 14-7-3 of this code.

C. Restoration:

1. If a building or structure used by a nonconforming use is damaged, it may be reconstructed or used as before; provided, that the floor area which existed prior to such damage is not increased, and that reconstruction commences within six (6) months of such happening, and be completed within one year after reconstruction is started. If these conditions are not met, the nonconforming use shall not be again commenced. (1970 Code § 29-126; amd. 2008 Code)

2. A nonconforming building or structure that is devoted to a conforming use may be reconstructed, structurally altered,

restored or repaired in whole or in part, provided the degree of nonconformity is not increased. (1970 Code § 29-126)

D. Extension: A nonconforming use shall not be enlarged or extended, except as provided in section 13-6-9 of this title. (1970 Code § 29-127)

E. Change Of Use:

1. A nonconforming use may be changed to a conforming use. If changed to another more restrictive, nonconforming use, it shall first be approved by the planning commission.

2. A nonconforming use of a building or land that has been changed to a more restricted classification shall not thereafter be changed to a use of a less restricted classification. (1970 Code § 29-128)

F. Termination: A nonconforming use shall be deemed to have terminated and shall not thereafter be reinstated:

1. When it is changed to a conforming use;

2. When it has been discontinued for a period of six (6) consecutive months. (1970 Code § 29-129)

G. Repairs And Maintenance: Normal maintenance and repairs of a building or other structure containing a nonconforming use is permitted, provided it does not extend the floor area or height occupied by the nonconforming use. (1970 Code § 29-130)

13-5-9: OFF STREET PARKING: Off street parking spaces for the storage or parking of passenger vehicles shall be provided pursuant to the provisions of this section.

A. Individual Parking Spaces: Parking areas shall be marked off with parking spaces, each with a minimum width of nine feet (9') and a minimum length of twenty feet (20'), exclusive of driveways and turning areas.

B. Design Standards:

1. Access; Curb Cuts: All off street automobile parking facilities shall be designed with appropriate means of vehicular access to a street or alley as well as maneuvering areas. No driveway or curb cuts in any district shall exceed twenty five feet (25') in width, and detailed

plans shall be submitted to the proper officials for approval for all curb cuts or driveway openings before a permit may be obtained therefor.

2. Use Restricted To Parking: Parking areas shall be used for automobile parking only, with no sales, dead storage, repair work, dismantling or servicing of any kind permitted.

3. Lighting: If lighting is provided, it shall be arranged to reflect away from the residential area and from any public street or highway.

C. Minimum Spaces Required: Minimum requirements for accessory garages or parking areas, are as indicated in the following schedule:

Building Type	Spaces Required	Minimum Parking For Each
Auditorium, theater, or similar place of public use	1	4 seats (note: capacity computed at 1 seat for each 20 inches)
Boarding or lodging house, tourist home	1	Guest bedroom and resident family
Business development, retail store, shop, bank	1	200 square feet of gross floor space
Drive-in restaurant or stand	1	500 square feet of lot area
Elementary and junior high school	1	Classroom
Hospital	1	3 beds
Hotel, motel	1	Guest bedroom, plus 1 space for each 3 employees
Industrial wholesale distribution	1	3 employees
Medical office building	1	150 square feet of gross floor space
Membership club	1	6 members
Multiple dwellings	1-1/2	Dwelling unit
Offices and office buildings	1	200 square feet of gross floor space
Professional office in a residential building	1	100 square feet net floor space used by such office
Public library, gallery, museum	1	200 square feet of gross floor space
Research institute or laboratory	1	2 employees
Restaurants, bars, cafes	1	3 seats

D. Other Uses Not Specifically Listed: The same requirements as for the most similar use listed in this section.

E. Mixed Uses: Total requirements shall be the sum of the requirements of the component uses computed separately.

F. Fractional Space: In all districts when the required parking area or number of parking spaces results in the requirement of a fractional space, any fraction under one-half (1/2) may be disregarded, and any fraction one-half (1/2) and over shall be construed as requiring a full space. (1970 Code § 29-116)

13-5-10: OPEN SPACES: No lot, yard, court or other open space already containing the minimum required area or less than the minimum required under this title shall be further divided or reduced. (1970 Code § 29-108)

13-5-11: PLANNED UNIT DEVELOPMENT:

A. Purpose: The purpose of planned unit development procedures is to permit creativity and flexibility in design by permitting deviations from the requirements of this title provided the design satisfactorily proves that no problems will be created. Through individual design and location of units, greater privacy, land efficiencies, and improved living environments should result.

B. Additional Provisions: Planned unit developments in any district where permitted shall be subject to the following additional provisions:

1. Minimum Size: The development area shall be not less than five (5) acres.

2. Site Development Plan: A site development plan shall be submitted with the application and shall show the layout of roads, lots, parks and open space, location of buildings, developments immediately adjacent, provisions for drainage, water supply and sewage treatment, and other relevant information. Water supply and sewage treatment facilities shall meet state of Wyoming health standards.

3. Minimum Lot Area And Yard Requirements: The minimum lot area and yard requirements of the specific zone district where located may be varied, provided:

a. Gross Dwelling Unit Density: The gross dwelling unit density of the development does not exceed the density

requirements of the district where located as follows:

RD 40,000 = 1 unit per acre
RD 15,000 = 3 units per acre
RD 7,500 = 6 units per acre
RD 3,000 = 6 units per acre
RD 1,500 = 6 units per acre

b. Open Space: Open space for recreation be provided based on the following:

(1) Minimum Percentage Of Land Dedicated: The minimum percentage of the total land to be dedicated shall be based on the formula below which recognizes the national standard of ten (10) acres per one thousand (1,000) population for park usage. This standard is then related to density and varying family size with density changes. Therefore, the amount to be dedicated is calculated as follows:

Gross density x 2 + 5 = % dedication required

(Example: 10 units per acre x 2 + 5 = 25 or 25% dedication)

(2) Dedication: Areas designated as open space or park shall be dedicated in perpetuity by appropriate covenants, and protected by a homeowners' association or similar legally constituted arrangement to control, construct and maintain the mutually owned property. Lands proposed to be dedicated to public ownership cannot be considered as meeting these requirements unless accepted by legal action of the affected unit of government.

(3) Distance Between Principal Structures: The minimum distance between principal structures, on the same lot, and perimeter development boundaries shall be no less than the height of the tallest structure, as applicable. In no case shall the setback from the boundary be less than twenty five feet (25').

C. Final Approvals: Final approvals granted by the planning commission shall be based on a specific plan and written conditions attached thereto. (1970 Code § 29-133)

13-5-12: SANITATION: No zoning permit shall be issued for the erection, alteration or relocation of a building for human use or occupancy which will not be connected to a public or community sewage system, or will provide for a private or on lot sewage system (septic tank) which meets the standards and requirements of the state of Wyoming health

department. No certificate of occupancy shall be issued until these requirements are met. (1970 Code § 29-138)

13-5-13: SIGNS:

A. Maximum Size Permitted: In all districts, maximum permitted sizes of signs of each listed type shall be in accordance with the regulations contained in the following schedule:

BUSINESS SIGNS

District	Professional Or Announcement Sign On Residence Building	Identification Business Or Industrial Building Or Use	Real Estate "For Sale" Or "For Rent" Sign, Or Construction Sign	Advertising Signs
RD	2 square feet	Prohibited	6 square feet	Prohibited
C		For each building wall or facade: 2 square feet aggregate area for each 1 foot horizontal length of facade, but not to exceed an aggregate area of 120 square feet on any 1 facade		150 square feet in C and I districts

(1970 Code § 29-121)

B. Supplemental Sign Regulations:

1. Professional Office: A professional or announcement sign of a home professional office or home occupation on a residence building shall be fixed flat on the main wall of such building, and shall not project more than six inches (6"), or may be erected in the front yard, but not within ten feet (10') of a street line. Such sign may be interior lighted.

2. For Sale/For Rent, Construction Sign: A real estate "for sale" or "for rent" sign, or construction sign, shall apply only to the property upon which it is placed. Not more than two (2) such signs shall be permitted on anyone property or premises.

3. Business Sign: No business sign, other than a professional or announcement sign, shall be erected, hung, attached or displayed until a written application has been made to the

zoning officer and a permit therefor has been duly issued by him upon payment of the established fee.

4. Projection: No private sign shall project over public property. Town of Elk Mountain

5. Clearance: The commission should refuse the request if lack of visibility or other circumstances could create a hazard.

6. Spacing: A limit of one sign structure erected directly upon the ground will be allowed per business in a business or industrial zone. (1970 Code § 29-122)

7. Relationship To Street Intersection: No sign shall be erected, attached, or displayed within seventy five feet (75') of the point of intersection of the street lines at a street corner. (1970 Code § 29-122; amd. 2008 Code)

8. Illumination: Signs may be interior lighted with nonglaring lights, or may be illuminated by shielded floodlights. (1970 Code § 29-122)

13-5-14: SITE PLAN APPROVAL AS REQUIRED FOR PERMITTED USES: Any permitted use unless otherwise excepted herein shall require site plan approval. Said site plan shall be submitted in adequate detail to permit the zoning officer to evaluate the plan to determine its conformance with these provisions. Building permits shall not be issued until said plan is certified as to conformance with this title. (1970 Code § 29-135)

13-5-15: SPECIAL PERMIT USE REQUIREMENTS: Due to their unusual and unique features, special permit uses shall be subject to the following requirements to ensure best interests of the health, safety and welfare of Elk Mountain citizens. Special permit uses shall be permitted in districts where designated only after review and approval by the planning commission. Appeal of decisions and conditions made by the planning commission may be taken to the town council by the applicant or any aggrieved party. (1970 Code § 29-131)

A. Application: Application for a special use permit shall be submitted to the planning commission, in writing. The application shall include applicable information as required in section 13-5-11 of this chapter and such other data, information and plans necessary for full evaluation by the commission.

B. Public Hearing:

1. Hearing Required: A public hearing shall be held by the planning commission on a special use permit application. Said hearing must be held within thirty one (31) days from the date the application has been filed.

2. Notice Of Hearing: Notice of said hearing shall be given by at least one publication in a newspaper of general circulation within the town at least ten (10) days prior to the hearing date. Said notice shall contain at least the following information:

a. General location;

b. Requested use;

c. Time, place and date of hearing;

d. Number to call to ask questions about the request.

C. Commission Action: Action on application must be taken and a decision must be made by the planning commission within sixty five (65) days from the date of receipt of the application, unless continuation is agreed upon by the applicant. The planning commission shall make the following determinations prior to approval of a special use permit:

1. The proposed use shall serve an obvious public need.

2. The proposed use will not be detrimental to the surrounding area or to established uses.

3. Adequate and safe access and circulation shall be provided.

4. Any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area.

5. The applicant has taken adequate steps to minimize and control potential environmental problems which may be resulting from the proposed use.

D. Records: Records of all applications made and decisions rendered, together with all maps, drawings, descriptions of conditions applied shall be kept and maintained as described in section 13-6-12 of this title. A copy of the decision rendered and conditions applied shall be transmitted to the applicant.

E. Appeals: Appeals of the planning commission action shall be made, in writing, to the town council. The council shall hold a hearing in the same manner as prescribed above for the planning commission on special use permits. (1970 Code § 29-132)

13-5-16: SWIMMING POOL, PRIVATE:

A. Compliance Required: A private swimming pool accessory to a residential use, which is designed to contain a water depth of twenty four inches (24") or more, shall not be located, constructed or maintained on any lot or land area, except in conformity with the requirement of these regulations.

B. Location: Such pool shall be not less than fifteen feet (15') from side and rear lot lines.

C. Water: 1. Private Well: If the water for such pool is supplied from a private well, there shall be no cross connection with any public or community water supply system. 2. Public Water Supply System: If the water for such pool is supplied from the public water supply system, the inlet shall be above the overflow level of said pool with sufficient air gap.

D. Fence Required: Such pool shall be enclosed by a fence no less than six feet (6') in height, equipped with self-locking gates. (1970 Code § 29-114)

13-5-17: TOPSOIL, STRIPPING OF: No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale, or for use other than on the premises from which the same shall be taken except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto. (1970 Code § 29-107)

13-5-18: WATER SUPPLY: No zoning permit shall be issued for the erection, alteration or relocation of a building for human use or occupancy which will not be adequately served by a water supply facility which meets the standards and requirements of the state of Wyoming health department. (1970 Code § 29-139)

13-5-19: YARDS:

A. Projections: Open or lattice enclosed fireproof fire escapes or stairways, required by law, projecting into a yard not more than four feet (4'), and the ordinary projections of chimneys and pilasters shall be permitted.

B. Obstruct Vision For Access To Streets: In no case shall fences or hedgerows obstruct vision on streets or vision for access to streets.

C. Height And Type Of Fencing:

1. Height: In a residential zone, no rear yard fence shall exceed eight feet (8') in height from the finished grade if constructed of wood or chainlink. Stone, block or masonry fences are restricted to no greater than six feet (6') in height from the finished grade; however, a stone, block or masonry fence may exceed six feet (6') in height from finished grade provided that adequate plans showing foundations and reinforcing are submitted to the designated individual and receive his approval, in writing, before building permits are issued.

2. Fencing Materials: Wood, chainlink, stone, block or masonry, wrought iron, or woven wire are considered acceptable fencing materials. As a general rule, the type of fencing material shall reflect the aesthetics of the neighborhood and shall be in keeping with already established fences in the area. (1970 Code § 29-104)

CHAPTER 6 ADMINISTRATION AND ENFORCEMENT

SECTION:

13-6- 1: Interpretation
13-6- 2: Enforcement Responsibility
13-6- 3: Town Zoning Enforcement Agency
13-6- 4: Certificate Of Occupancy
13-6- 5: Permit Prerequisite To Action
13-6- 6: Planning Commission
13-6- 7: Stays
13-6- 8: Hearing Of Appeals
13-6- 9: Variances
13-6-10: Legal Action
13-6-11: Liability For Damages
13-6-12: Records And Reports
13-6-13: Zoning Officer Duty
13-6-14: Annual Report Preceding Year's Activities
13-6-15: Violation; Penalty

13-6-1: INTERPRETATION: In applying and interpreting the provisions of this title, they shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals, comfort, convenience, and general welfare. (1970 Code § 29-150)

13-6-2: ENFORCEMENT RESPONSIBILITY:

A. Administration Of Title: It shall be the responsibility of the planning commission and its authorized agent to be known as the zoning officer to administer this title.

B. Compliance Required: It shall be unlawful to locate, erect, construct, reconstruct, enlarge, maintain, or use any building or use any land within the incorporated area of the town without first complying with this title. (1970 Code § 29-153)

13-6-3: TOWN ZONING ENFORCEMENT AGENCY:

A. Appointment Of Zoning Officer: The planning commission, with the approval of the town council, shall appoint a town zoning enforcement agent for the administration and enforcement of the provisions of this title. This agent shall be designated the zoning officer.

B. Authority And Responsibility Of Zoning Officer: The zoning officer (or his deputy) shall have the authority and responsibility to enter upon any public or private premises

and make inspection thereof at any reasonable time, and for any proper purpose in enforcing this title. Further, upon reasonable cause or question as to proper compliance, to revoke any permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this title. (1970 Code § 29-154)

13-6-4: CERTIFICATE OF OCCUPANCY:

A. Required Prior To Use: It shall be unlawful to use or to permit the use of any building, structure, premises, lot or land, or part thereof hereafter erected or altered, enlarged or moved, in whole or in part, after the effective date hereof, or any building, structure, premises, lot or land, or part thereof, of which the use is changed, until a certificate of occupancy has been obtained by the owner or his authorized agent. (1970 Code § 29-155)

B. Zoning Officer Determination: The zoning officer shall, by site inspection, determine that the provisions of this title have been met prior to issuing a certificate of occupancy. (1970 Code § 29-157)

C. Issuance Of Certificate: Upon written request by the owner or his authorized agent, the zoning officer shall issue a certificate of occupancy for any building or structure, lot or land, existing and in use at the effective date hereof; provided, that said zoning officer shall find that such building or structure, lot or land is in conformity with the applicable provisions of this title. (1970 Code § 29-158)

13-6-5: PERMIT PREREQUISITE TO ACTION:

A. Application For Certificate: No permit for excavation for, or the erection or alteration of, or repairs to, any building shall be issued until an application has been made for a certificate of occupancy.

B. Temporary Certificate Of Occupancy: Under such rules and regulations as may be established by the board of adjustment and filed with the designated individual, a temporary certificate of occupancy for not more than thirty (30) days for a part of a building may be issued by him. (1970 Code § 29-159)

13-6-6: PLANNING COMMISSION:

A. Serve As Board Of Adjustment: The planning commission shall serve as the board of adjustment for the town.

B. Powers And Duties: The board of adjustment shall have all the powers and duties prescribed by law and by this title, which are more particularly specified but not limited as follows:

1. Interpretation: Upon appeal from a decision by the town engineer or other administrative official, to decide any question involving the interpretation of any provision of this title including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

2. Special Permits: To issue special permits for any of the uses for which this title requires the obtaining of such permits from the board of adjustment. In granting any special permit, the board shall prescribe any conditions that it deems to be necessary to or desirable for the public interest. However, no such special permit shall be granted by the board of adjustment unless it finds:

a. The use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this title. In determining its findings, the board shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings or upon such land, and traffic conditions in the vicinity.

b. Prior to the approval, the applicant shall submit to the board written statements from any person owning land within three hundred feet (300') of any of the land to which the special use permit will attach. (1970 Code § 29-161)

13-6-7: STAYS: An appeal from a decision by the board of adjustment or its authorized representative shall stay all proceedings in furtherance of the action appealed from, unless the board of adjustment or its authorized representative shall certify to the town council after notice of appeal has been filed with both of them, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the town councilor by a court of record on application or notice to the board of adjustment or its authorized representative and on due cause shown. (1970

Code § 29-162)

13-6-8: HEARING OF APPEALS: The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within thirty (30) days after said hearing. Upon the hearing, any party may appear in person or by agent or by attorney. The decision of the board of adjustment may be reviewed by the district court and by the supreme court upon appeal. (1970 Code § 29-163)

13-6-9: VARIANCES:

A. Power To Grant: The board of adjustment shall have power to grant a variance from the strict application of the regulations of this title where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or by reason of exceptional topographic conditions or other extraordinary and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property.

B. Considered Conforming: Any variance granted by the board of adjustment pursuant to the provisions of this section shall be construed to be conforming.

C. Based On Findings: Every variance granted by the board of adjustment shall be based upon and accompanied by a specific finding or findings, supported by evidence to the effect that the exceptional circumstances of the particular case are such as to constitute practical difficulties or unnecessary hardship in the way of carrying out the strict application of the regulations of this title.

D. Publication Of Notice; Hearing: Prior to the approval, notice shall be given by publication once at least ten (10) days before the hearing in the official town newspaper and posted in three (3) conspicuous places in town. (1970 Code § 29-164)

13-6-10: LEGAL ACTION: In case any building or structure is, or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be used, in violation of any provision of this title, or any amendment thereof, the town council, the town attorney in and for Elk Mountain, or any owner of real estate within the zoned areas, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or

remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. Appeals from judgments rendered in any action instituted to enforce this title shall be permitted and shall be in accordance with the general appeals provisions of Wyoming rules of civil procedure. (1970 Code § 28-167)

13-6-11: LIABILITY FOR DAMAGES: This title shall not be construed to hold the town responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect, or by reason of issuing a certificate of occupancy, or in the administration and enforcement of this title. (1970 Code § 29-168)

13-6-12: RECORDS AND REPORTS: The zoning officer shall keep, file and maintain all records regarding certificates of occupancy, applications and all actions, notes and minutes of the planning commission related to this title. (1970 Code § 29-174)

13-6-13: ZONING OFFICER DUTY: The zoning officer shall attend all meetings of the planning commission. (1970 Code § 29-175; amd. 2008 Code)

13-6-14 ANNUAL REPORT PRECEDING YEAR'S ACTIVITIES: The zoning officer shall prepare a written annual report of the calendar year activities to the planning commission at its regular February meeting for the preceding calendar year. The planning commission shall review and publish said annual report, including descriptions of other commission activities, by the end of the month of April following the report year. (1970 Code § 29-176)

13-6-15: VIOLATION; PENALTY: No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use of land in violation of this title or amendment thereto. Any person who violates this title may be subject to penalty as provided in section 1-4-1 of this code. (1970 Code § 29-166; amd. 2008 Code)

CHAPTER 7 AMENDMENTS

SECTION:

13-7-1: Application To Amend Title Or Map
13-7-2: General Procedure
13-7-3: Effect Of Denial Of Application

13-7-1: APPLICATION TO AMEND TITLE OR MAP:

A. Application; Fee: An application to amend this title or zoning map shall be submitted to the town council and the planning commission for review and processing as outlined under general procedures, section 13-7-2 of this chapter. The applicant shall include a fee in an amount to be determined from time to time by the town council. (1970 Code § 29-171; amd. 2008 Code)

B. Initiated By Commission Or Town Council: The planning commission or town council may, on its own initiative, recommend amendments to this title and the map.

C. Initiated By Petition Of Property Owners: An amendment or rezoning may be initiated by a petition of interested property owners or authorized agents of such owners for rezoning of any land to a less restricted district provided that said land is adjacent to or directly across a street or alley from property which is already zoned in the same or less restricted zone as that to which said property is proposed to be rezoned.

D. Protest: In case, however, of a protest against such change signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred forty feet (140') therefrom, or in case an alley separates such lots from the lots to the rear thereof, then the area for a distance of one hundred forty feet (140') from the opposite side of such alley, or in case of lots on the opposite side of the street, thence the area of those lots on such opposite side of the street, extending one hundred forty feet (140') from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths e/4) of all members of the legislative body of the town. (1970 Code § 29-171)

13-7-2: GENERAL PROCEDURE: Amendments to this title shall require the following action before adoption:

A. Certification of any proposed amendments by the planning commission, following a public hearing before the commission after at least thirty (30) days' notice of the time and place of such hearing shall have been given by at least one publication in a newspaper of general circulation within the town. B.

B. Completion of a public hearing before the town council after at least thirty (30) days' notice of the time and place of such hearing shall have been given by at least one publication in a newspaper of general circulation within the town, and

C. Approval by official vote of a majority of the town council. (1970 Code § 29-170)

13-7-3: EFFECT OF DENIAL OF APPLICATION: If an application for an amendment to this title or map is denied, new application for the same zoning change affecting the same property or use shall not be eligible for reconsideration for one year after such denial. (1970 Code § 29-172)

TITLE 14 DEVELOPMENT CODE

Subject ..... Chapter

Policies, Purpose, Authority 1
Definitions 2
General Provisions 3
Compliance Permits 4
Permit Approval Process 5
Nature Of Permit 6
Performance Standards 7
Assurance For Completion And Maintenance
Of Subdivision Improvements 8
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Drawings And Forms 10

CHAPTER 1 POLICIES, PURPOSE, AUTHORITY

SECTION:

14-1-1: Land Use Policies
14-1-2: Purpose
14-1-3: Authority

14-1-1: LAND USE POLICIES:

A. Policies: The following policies are intended to serve as a general development proposal evaluation tool which should be used whenever development decisions within the town are being considered:

1. General Policies And Standards:

a. In undertaking development, consideration should be given to the percolation rate, depth to rock, shrink/swell potential, traffic ability and traffic supporting capacity of the underlying soils. The U.S. department of agriculture soil conservation service or other credible sources should be consulted for this information.

b. Only those land uses which are not subject to substantial hazard or damage from flooding should be permitted in areas subject to flooding.

c. Comprehensive planning for the town should include consideration of areas outside the town limits so that land planning efforts can be coordinated.

d. Planning for new areas and older areas should be given equal emphasis because neither can be neglected.

2. Residential:

a. Adequate sites for schools and parks should be properly located in residential areas.

b. Neighborhoods should be developed which are not bisected by major trafficways and are neither encroached upon nor isolated by incompatible industrial and commercial development.

c. Residential densities should encourage a variety of housing while protecting public investment in services and facilities.

d. Excessible slope/land of between ten percent (10%) and twenty percent (20%) should be developed at low density.

e. Where appropriate, new residential development should adjoin presently developed areas.

f. Development should occur only if adequate capacity exists for public utilities such as the town water system.

g. If a development is proposed in an area of town in which public utilities will not afford adequate capacity, it should be the responsibility of the developer to provide the needed capacity.

h. The development of small and isolated residential areas should be avoided.

i. Residential areas should not be located downwind from industrial activities which emit noise, smoke, odor or other nuisance factors.

j. Residential areas should be protected from incompatible uses.

k. The design, construction and maintenance of mobile home parks should be governed by mobile home codes.

l. The storing of junk vehicles in or near residential areas should be discouraged and prohibited.

3. Commercial/Retail Business:

a. Commercial development should provide for ample off street parking and loading facilities.

b. Access to commercial development should be carefully planned and controlled so as to make the most efficient use of public street improvements and reduce conflicts.

c. Abutting residential properties should be protected by buffering devices such as setbacks and screening.

d. Commercial areas should be protected from incompatible uses.

e. The central business district should be strengthened and maintained as the commercial center of the town.

f. Commercial development along highways and major county

roads should be required to provide sufficient setbacks so that roadway widening or the addition of frontage roads can be provided for.

4. Industrial:

a. Industrial areas should be separated from residential areas, wherever possible by major thoroughfares, streams or other buffers.

b. Industrial areas should be located so that it is not necessary to route traffic generated by them through residential or commercial areas.

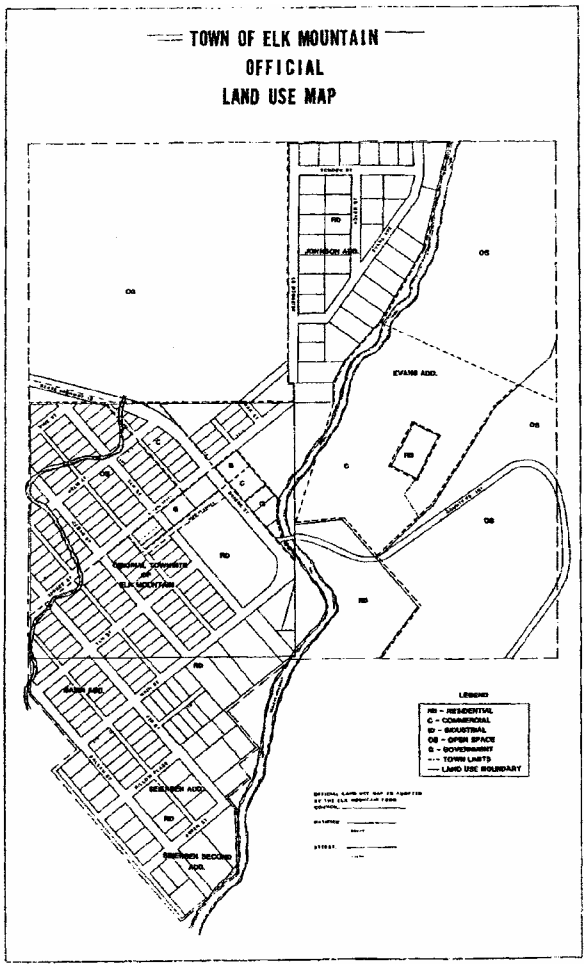
c. Industrial sites should not be provided in areas with slopes greater than five percent (5%).

d. Industrial development should not occur in floodable areas or areas with soil or other subsurface special conditions unless special precautions are made.

e. Automobile wrecking and other salvage establishments and similar uses of land should be controlled as to minimize their adverse effect on the appearance of the community.

(see following page)

B. Land Use Map:



(Ord. 50, 1-6-1982)

14-1-2: PURPOSE: The town council, in order to promote the general health, safety, comfort and welfare of the people of Elk Mountain, and recognizing the pressures of residential, commercial and industrial development within and around the town, enact this title to promote the orderly development of the town and immediately surrounding area. (Ord. 50, 1-6-1982)

14-1-3: AUTHORITY: Authority for the town development title is pursuant to the authority contained in Wyoming Statutes section 15-1-501. (Ord. 50, 1-6-1992; amd. 2008 Code)

CHAPTER 2 DEFINITIONS

SECTION:

14-2-1: Rules Of Construction
14-2-2: General Definitions

14-2-1: RULES OF CONSTRUCTION:

A. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this chapter.

B. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

C. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

D. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.

E. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

F. The word "lot" includes the words "plot" or "parcel".

G. Unless the context clearly indicates to the contrary, the word "herein" means "in these regulations;" the word "regulations" means "these regulations".

H. A "building" includes a "structure", a "building" or "structure" includes any part thereof. (Ord. 50, 1-6-1982; amd. 2008 Code)

14-2-2: GENERAL DEFINITIONS:

ACCESSORY USE OR BUILDING: A subordinate use or building customarily incidental to, and located on the same lot occupied by the main use or building.

ALLEY: A public or private right of way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

APPLICANT: The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.

BLOCK: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways or boundary lines of municipalities.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind, and includes any structure.

Building, Area Of: The horizontal area measured around the outside of the foundation walls and the floors or roofed porches and roofed terraces inclusive, and including the area of accessory buildings if any.

Building, Main: A building or buildings in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.

Building Permit: A permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the town of Elk Mountain.

Building Setback Line: The minimum distance as prescribed by this title between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto.

CAMPGROUND: A parcel of land which has been so designated and improved that it is utilized for camping and parking of two (2) or more camping units for a period not to exceed thirty (30) days.

CAMPING UNIT: Any pickup camper, travel trailer, truck, camper, tent trailer, motor home or similar mobile unit which is designed especially for recreation and vacation purposes.

CAR WASH: A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for that purpose.

CHAIRMAN: The elected chairman of the planning commission or, in his absence, the vice chairman or other delegate.

CHURCH: A building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities customarily associated therewith.

COMMERCIAL DEVELOPMENT: Within the context of this code, commercial development shall refer to those uses usually associated with the central business district or community shopping center, and includes shopping facilities generally compatible with residential development; i.e., retail and service oriented businesses. It also includes the sale of commodities or performance of services desiqned for application on major streets and highways thereof.

COMMISSION: The planning commission administering these regulations.

CONSTRUCTION PLAN: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the planning commission as a condition of approval of the plat.

COUNTY: Refers to the territory of Carbon County.

CUL-DE-SAC: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

DENSITY: A unit of measurement; the number of dwelling units per acre of land.

Gross Density: The number of dwelling units per acre of the total land to be developed.

Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DESIGNATED ENGINEER: Refers to the engineer responsible for preparation of cost approximations and certifications as to required improvements being in conformance with construction drawings and specifications.

DEVELOPER: Any individual, firm, association, corporation, governmental agency or any other legal entity commencing proceedings under these regulations, to carry out the "development of land" as defined herein, for himself or for another.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: Any place or premises used for

sale, dispensing, or serving food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

DWELLING: A building or portion thereof designed exclusively for residential purposes, including one-family, two-family, and multiple-family dwellings; but not including hotels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or childcare nurseries.

Dwelling, Single-Family: A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

Dwelling Units: One or more rooms with provisions for cooking, living, sanitary, and sleeping facilities arranged for the use of one family.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ENGINEER: Any person licensed to practice professional engineering in the state of Wyoming as specified in Wyoming Statutes section 33-29-114 et seq.

ESCROW: A deposit of cash with the town council in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited by the zoning officer in a separate account.

FAMILY: One or more persons related by blood or marriage occupying the premises and living together as a single nonprofit housekeeping unit.

FILLING STATION: A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks. A filling station may include accessory facilities for rendering services such as lubrication, washing, and minor repairs with hand tools.

FINAL PLAT: The map or plan or record of a subdivision and any accompanying material, as described in these regulations.

FRONTAGE: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall

not be considered as the ordinary side of a corner lot.

FRONTAGE STREET: Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

GRADE: The inclination from the horizontal of a road, unimproved land, etc., and is expressed by stating the vertical rise or fall as a percent of the horizontal distance.

IMPROVEMENTS: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, streetlights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

INDUSTRIAL DEVELOPMENT: Within the context of this title, industrial development shall refer to those uses usually associated with light industry; i.e., manufacturing, wholesaling, trucking or storage and those uses usually associated with heavy industry; i.e., lumber mills, mixing plants, factories which emit smoke, glare, heat, odors, vibration, etc.

JOINT OWNERSHIP: Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pick ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled.

LOT AREA: The amount of surface land contained within the property lines of a lot, including the land within easements on the lot, but excluding any land within the street right of way or public open space.

LOT, CORNER: A lot located at the intersection of two (2) or more streets, a lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty five degrees (135°).

LOT DEPTH: The average horizontal distance between the front and rear property lines of a lot.

LOT FRONTAGE: The front of a lot is that portion nearest to the street.

For the purposes of determining yard requirements for corner and through lots, all sides of a lot adjacent to a street shall be considered frontage.

LOT IMPROVEMENT: Any building, structure, place, work of art, or other object, or improvement of land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right of way of any public or private street.

LOT OR PARCEL: A portion of land in a subdivision or plat of land, separated from other lots or portions of land by description as on a subdivision or record of survey map or by metes and bounds for the purpose of sale, lease, or separate use.

MASTER PLAN: A comprehensive plan for development of the local government, prepared and adopted by the planning commission, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

MEMBERSHIP CLUB: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like whose facilities available only to a limited number of members and guests.

MOBILE HOME: A portable unit or structure designed and constructed in such a manner as to permit permanent occupancy as a dwelling unit, designed and constructed to be towed on its own chassis, comprised of frame and wheels and usually located without a permanent foundation and connected to utilities with flexible connections. A mobile home unit or dwelling may contain parts that may be folded, collapsed or telescoped when being towed, or two (2) or more separately towable components designed to be joined into one integral unit. "Mobile home" shall not include travel trailers, motorized homes, pickup coaches or camping trailers. As a general rule, running gear consisting of steel axles, springs, tires and wheels are permanently attached to a mobile home and are not intended to be removed.

MOBILE HOME PARK: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two (2) or more mobile home

lots.

MOBILE HOME SPACE: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

MOBILE HOME STAND (PAD): That part of an individual lot which has been reserved for the placement of the mobile home.

MODULAR HOMES (Also including Prefabricated And/Or Factory Built Homes):

A. A modular structure, or prefabricated structure as referred to in this title shall mean a structure whose component parts and/or sections are fabricated in one area and assembled as a completed building or structure upon a permanent location, or a building or structure whose component parts and/or sections are fabricated and assembled as a completed unit at a central plant and moved to a permanent site. As defined by the department of housing and urban development, a "modular home" is distinguished from a mobile home if it satisfies anyone of the following criteria:

The modular home is built in accordance with any of the following three (3) model codes:

1. The uniform building code (UBC) published by the International Conference of Building Officials.

2. The building code published by the Building Officials and Code Administrators (BOCA).

3. The building code published by the Southern Building Code Congress (SBCC).

MONUMENTS: Permanent concrete or iron markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners, and points of change in street alignment.

MULTIPLE-FAMILY RESIDENCE: A building or group of buildings on the same lot designed to be occupied by three (3) or more families living independently of each other.

OFF SITE: Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

OFFICIAL MAP: The map established by the governing body pursuant to law showing the streets, highways, and parks, and drainage systems and setback lines theretofore laid out, adopted and

established by law, and any amendments or additions thereto adopted by the governing body of additions thereto resulting from the approval of subdivision plats by the planning commission and the subsequent filing of such approved plats.

OPEN SPACE: An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, any other recreational facilities that the planning commission deems permissable. Streets, structures for habitation, and the like, shall not be included.

OUT LOT: Property shown on a subdivision plat outside of the boundaries of the land which is to be developed and which is to be excluded from the development of the subdivision.

OWNER: Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PARKING SPACE, OFF STREET: For the purpose of these regulations, an off street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right of way.

PERIMETER STREET: Any existing street to which the parcel of land to be subdivided abuts on only one side.

PERMANENT (MOBILE HOME): When referring to mobile homes, the term "permanent" shall mean in excess of thirty (30) days.

PLANNING COMMISSION: The town of Elk Mountain planning commission established in accordance with law.

PLAT: A map or layout of a subdivision indicating the location and boundaries of individual properties.

Final Subdivision Plat: The final map, drawing, or chart upon which the subdivider's plan of subdivision is presented to the planning commission for approval, and which, if approved, will be submitted to the county clerk for recording.

Preliminary Plat: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the planning commission

for approval.

PRINCIPAL ARTERIALS: Streets and highways serving major metropolitan activity centers, the highest traffic volume corridors, the longest trip desires, and a high proportion of total urban area travel on a minimum of mileage. Service to abutting land should be subordinate to the provision of travel service to major traffic movement. This system carries the major portion of trips entering and leaving an urban area, as well as the majority of through movement desiring to bypass the central town.

PUBLIC FACILITY: Any use of land, whether publicly or privately owned, for transportation, utilities, or communications, or for the benefit of the general public, including, but not limited to, libraries, streets, schools, fire or police stations, county buildings, municipal buildings, recreational centers including parks, and cemeteries.

PUBLIC IMPROVEMENT: Any drainage ditch, roadway, parkway, sidewalk, pedestrianway, tree, lawn, off street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right of way, road, sidewalk, street, tunnel, viaduct, walk, or other way in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

RIGHT OF WAY: 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 tree, 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 maker of the plat on which such right of way is established.

ROAD, DEAD END: A road or a portion of a street with only one vehicular traffic outlet.

ROAD RIGHT OF WAY WIDTH: The distance between property lines measured at right angles to the centerline of the street.

SALE OR LEASE: Any immediate or future transfer of ownership or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

SIDEWALK: That portion of the road right of way outside the roadway which is improved for the use of pedestrian traffic.

SIGN: Any device or method which visually imparts a message through the use of texts, pictures, or models to individuals using public rights of way.

Sign, Advertising: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the property and only incidentally upon the property if at all.

Sign, Announcement Or Professional: A sign on a residential building which directs attention to a home professional office, home occupation or professional office in such residential building.

Sign, Business: A sign which directs attention to a business or profession conducted upon the property where the sign is displayed.

Sign, Identification: A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises.

SITE AREA:

Site Area, Gross: Includes the net site area of any development, plus the area between the boundaries of all lots located within that development and the centerline of adjoining streets.

Site Area, Net: Includes the area of all lots within that development.

SUBDIVIDER: Any person who lays out any subdivision or parts thereof either for the account of the subdivider or others.

SUBDIVISION: For municipalities, the division of a tract or parcel of land into three (3) or more parts for immediate or future sale or building development.

SUBDIVISION PLAT: The final map or drawing described in these regulations, on which the subdivider's plan of subdivision is presented to the planning commission for approval and which, if approved, may be submitted to the county clerk or recorder of deeds for filing.

TENT TRAILER: A vehicle less than twenty feet (20') in length with an expandable enclosure of canvas, fabric, or metal, constructed in such a manner that temporary facilities for sleeping or dwelling are provided.

TOWN: Refers to the incorporated area of the town of Elk Mountain as it existed at the time of the adoption of these regulations and including revisions thereto.

TRAVEL TRAILER: A vehicle used and so constructed as to permit its being used as a conveyance upon public streets or highways and duly licensable as such, constructed in such a manner as will permit occupancy thereof as a temporary or seasonal dwelling.

TRUCK CAMPER: Any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, constructed in such a manner that temporary facilities for dwelling or sleeping are provided upon the frame or bed of such vehicle. Such facilities may be either permanently or temporarily attached.

UNIT: A portion of a subdivision selected for development as one of a series of stages.

VARIANCE: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardships.

VICINITY MAP: A drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Carbon County in order to better locate and orient the area in question.

WALKWAY: A dedicated public way, four feet (4') or more in width, for pedestrian use only, whether along the side of a road or not.

YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from three feet (3') above the general ground level of the graded lot upward, provided accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards. (Ord. 50, 1-6-1982; amd. 2008 Code)

CHAPTER 3 GENERAL PROVISIONS

SECTION:

14-3-1: Penalties
14-3-2: Falsification Of Information
14-3-3: Burden Of Proof
14-3-4: Relationship To Other Ordinances Or Regulations
14-3-5: Separability
14-3-6: Amendments
14-3-7: Construction
14-3-8: Variances
14-3-9: Future Utility Development

14-3-1: PENALTIES: Any person who wilfully violates any provision of this title shall be subject to a penalty as provided in section 1-4-1 of this code. Each day in which the violation continues shall be considered a separate offense. (Ord. 50, 1-6-1982; amd. 2008 Code)

14-3-2: FALSIFICATION OF INFORMATION: Any person who intentionally falsifies or distorts information required by these regulations shall be subject to the penalties provided for in section 14-3-1 of this chapter. (Ord. 50, 1-6-1982; amd. 2008 Code)

14-3-3: BURDEN OF PROOF: Burden of proof shall in all instances be assigned to the applicant in proceedings under this title. (Ord. 50, 1-6-1982)

14-3-4: RELATIONSHIP TO OTHER ORDINANCES OR REGULATIONS: Whenever the requirements of this title conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern. (Ord. 50, 1-6-1982)

14-3-5: SEPARABILITY: If any provrsion of this title or the applicability thereof to any person or circumstance is held invalid, the remainder of this title and its application to other persons or circumstances shall not be affected. (Ord. 50, 1-6-1982)

14-3-6: AMENDMENTS: This title may be amended by the process prescribed for the adoption of charter ordinances in the Wyoming constitution, article 13, section 1(c). (Ord. 50, 1-6-1982)

14-3-7: CONSTRUCTION: The provisions of this title shall be

liberally construed in favor of the public interest. (Ord. 50, 1-6-1982)

14-3-8: VARIANCES:

A. General: Where the planning commission finds that extraordinary hardship or practical difficulties may result from strict compliance with these regulations, or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to this title so that substantial justice may be done and the public interest secured, if such variance does not have the effect of nullifying the intent and purpose of these regulations. The planning commission shall not approve variances unless it finds, based upon the evidence presented to it in each specific case, that:

1. The granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property; or

2. The conditions upon which the request for a variance are based are unique to the property for which the variance is sought and are not applicable generally to other property; or

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; or

4. The variances will not in any manner vary the provisions of the adopted town land use plan.

B. Conditions: In approving variances, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this title.

C. Procedures: Applications for variances shall be made on forms available from the planning commission. In addition to submittal of the variance form, applicants for variance shall provide evidence satisfactory to the planning commission that the opinions of all persons owning land adjacent to the property for which a variance is requested have been solicited regarding the action or condition requiring such a variance.

D. Effective Period Of Variance Approval: The approval of a variance shall be effective for a period of one year, at the end of which time all actions pursuant to the variance must have been completed. Any variance not exercised during the period of time set forth herein shall be null and void, and the person, firm, or other entity to whom the variance was granted shall be required to submit a new variance application to the planning commission. (Ord. 50, 1-6-1982)

14-3-9: FUTURE UTILITY DEVELOPMENT: It is the responsibility of the developer to tie into the town sewage collection system. This applies to all types of development cited within this title. (Ord. 50, 1-6-1982; amd. 2008 Code)

CHAPTER 4 COMPLIANCE PERMITS

SECTION:

14-4-1: Required
14-4-2: Application
14-4-3: Form Of Application

14-4-1: REQUIRED: A compliance permit shall be necessary for any change in land use or new structure. (Ord. 50, 1-6-1982)

14-4-2: APPLICATION: Application for a compliance permit shall be made prior to the physical layout or construction of the proposed development. Applications must be filed with the appropriate town official at least ten (10) days before a regular meeting of the planning commission. Applications filed after this deadline shall not be considered until the following month's regular meeting. (Ord. 50, 1-6-1982)

14-4-3: FORM OF APPLICATION: Application for a compliance permit shall be made on the forms adopted in this title (1). A filing shall not be accepted until all information required is provided. (Ord. 50, 1-6-1982)

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1. Section 14-10-2 of this title.

CHAPTER 5 PERMIT APPROVAL PROCESS

SECTION:

14-5- 1: Initial Review
14-5- 2: Site Inspection
14-5- 3: Applicant's Presence Required
14-5- 4: Substance Of Review
14-5- 5: Initial Action
14-5- 6: Further Information Requests
14-5- 7: Hearings
14-5- 8: Hearing Notice
14-5- 9: Action After Hearing And/Or Submission Of Additional Information
14-5-10: Mobile Home Park Plans

14-5-1: INITIAL REVIEW: An application for a compliance permit shall be reviewed at the regular planning commission meeting following its filing; provided, that the filing deadline is met (see section 14-4-2 of this title). (Ord. 50, 1-6-1982)

14-5-2: SITE INSPECTION: The filing of an application for a compliance permit constitutes permission for the town building official or technical advisor to conduct an on site inspection of the proposed development. (Ord. 50, 1-6-1982)

14-5-3: APPLICANT'S PRESENCE REQUIRED: The applicant must be present for consideration of the application for a compliance permit to proceed. (Ord. 50, 1-6-1982)

14-5-4: SUBSTANCE OF REVIEW: Applications for compliance permits shall be reviewed for their conformance to the performance standards contained in this title and to the land use policies for the town (1). (Ord. 50, 1-6-1982)

14-5-5: INITIAL ACTION: After its initial review of an application for a compliance permit, the planning commission may: A. Approve the application with or without conditions if no public hearing is required. B. Request further information to be submitted prior to their next regular meeting and prior to the setting of a hearing date. C. Request further information and set a hearing date at its next regular meeting. (Ord. 50, 1-6-1982)

14-5-6: FURTHER INFORMATION REQUESTS: Further information requests may cover any aspect of a proposed development which is dealt with in the performance standards contained in this title or the land use plan for the town of Elk Mountain.

Further information shall be submitted in accordance with a schedule agreed to by the applicant and the planning commission and forwarded, in writing, to the applicant by the secretary of the planning commission within five (5) working days after initial review of the application. (Ord. 50, 1-6-1982)

14-5-7: HEARINGS: A public hearing shall be required in the case of all applications for new industrial, commercial and multiple-family dwelling developments, in the case of all applications for mobile home courts and in the case of all new subdivisions. (Ord. 50, 1-6-1982)

14-5-8: HEARING NOTICE: When a hearing is required, the applicant shall notify all adjacent landowners by certified mail and shall post in at least two (2) public places in the town notice of the hearing. The applicant shall also advertise the hearing at his own expense in the local newspaper. The fifteen (15) day public notice period is required by state law for public hearings. (Ord. 50, 1-6-1982)

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1. See chapter 1 of this title.

14-5-9: ACTION AFTER HEARING AND/OR SUBMISSION OF ADDITIONAL INFORMATION:

A. Action Of Planning Commission: After a public hearing has been held and/or requested additional information submitted, the planning commission shall:

1. Approve the application with no conditions.

2. Approve the application with conditions attached by the planning commission.

3. Reject the application, filing its reasons for doing so, in writing, within five (5) days after the decision is made.

In no case shall the decision be delayed more than one month from the public hearing date or from the receipt of additional information. (Ord. 50, 1-6-1982) B. Appeals: The decision of the planning commission may be appealed to the town council by any person aggrieved or affected by any decision of the planning commission or their authorized representative. The town council shall fix a reasonable time for the hearing of the appeal, and give seven (7) days' notice in a newspaper of general circulation within the town. Such appeal shall be made within ten (10) days

from the date of the action being appealed by the filing of a notice of appeal with the town council. A form for such appeal shall be provided by the town clerk-treasurer. The planning commission shall forthwith transmit to the town council all papers constituting the record of the action being appealed. A decision shall be made by the town council within thirty (30) days of said hearing. The decision of the town council may be reviewed by the district court and by the state supreme court upon an appeal thereto as provided in Wyoming Statutes section 15-1-609. (Ord. 50, 1-6-1982; amd. 2008 Code)

14-5-10: MOBILE HOME PARK PLANS (1): The initial review of mobile home parks shall be based on a preliminary plan. The preliminary plan shall be prepared by a professional engineer licensed to do work within the state of Wyoming. (See section 14-7-3, "Mobile Home Parks", of this title.) The final plan and attachments required by the performance standards shall be submitted to the planning commission at least fifteen (15) days prior to any planning commission meeting after the compliance permit receives initial approval. Any variance from conditions of the initial approval shall be grounds for rejection of the final plan. The compliance permit shall not be considered complete until the final plan is approved. (Ord. 50, 1-6-1982)

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1. See also sections 13-5-7 of this code and 14-7-3 of this title.

CHAPTER 6 NATURE OF PERMIT

SECTION:

14-6-1: Permit Approval Includes Conditions
14-6-2: Permit Is For Development As Represented
14-6-3: Duration PERMIT APPROVAL

14-6-1: INCLUDES CONDITIONS:

A. Approval Of Permit: The approval of a compliance permit may include conditions, provided these are transmitted, in writing, to the applicant prior to the approval of the application by the planning commission and again with the signed permit.

B. Approval Of Inspectors: The planning commission may approve inspectors to ensure compliance with the conditions imposed. (Ord. 50, 1-6-1982)

14-6-2: PERMIT IS FOR DEVELOPMENT AS REPRESENTED: The compliance permit is approved for the proposed development as represented to the planning commission. Significant modification or deviation of the development from its represented and approved form shall void the compliance permit and subject the applicant to the penalties provided in section 14-3-1 of this title. (Ord. 50, 1-6-1982)

14-6-3: DURATION: A compliance permit is valid for one year. A letter of completion shall be submitted to the planning commission upon completion of the proposed development. If the letter of completion is not received within one year, the compliance permit will be held void until the applicant requests an extension. (Ord. 50, 1-6-1982)

CHAPTER 7 PERFORMANCE STANDARDS

SECTION:

14-7-1 : Single-Family Residences And Accessory Buildings
14-7-2: Single Mobile Home Units
14-7-3: Mobile Home Parks
14-7-4: Multiple-Family Dwellings
14-7-5: Subdivisions
14-7-6: Industrial Development
14-7-7: Commercial Development

14-7-1: SINGLE-FAMILY RESIDENCES AND ACCESSORY BUILDINGS:

A. Water Service And Sewage Connections: Each dwelling unit shall have individual service connections to the town water and sewage systems. (Ord. 50, 1-6-1982; amd. 2008 Code)

B. Cost Of Expansion Or Extension: The applicant shall bear the full cost of any expansion or extension of town facilities or services, including streets, necessitated by the development.

C. Topographical Features; Slope: Topographical features, slope of building shall not exceed twenty percent (20%).

D. Grading: No lot shall be graded to disrupt the irrigation and drainage systems serving other lots and public streets.

E. Setbacks: No dwelling or accessory building shall be within twenty feet (20') of any alley or rear lot line or within twenty feet (20') of the front lot line. The setback for side lot lines shall be ten feet (10'). The strict application of this performance standard, however, may be varied by the planning commission where the performance standard set forth in subsection F of this section relating to lot coverage is met.

F. Lot Coverage: No dwelling and related accessory building shall occupy more than sixty percent (60%) of the parcel on which it is located. The strict application of this performance standard, however, may be varied by the planning commission where an extreme hardship to the applicant would result from its strict application.

G. Compliance Required: All residences shall conform to the provisions of the uniform building code.

H. Sketch Plan: An accurate sketch plan shall be provided by

the applicant showing lot dimensions and distances from proposed and existing structures to lot lines and to other structures. Any expansion or extension of town facilities (water lines, streets, etc.) should also be shown on the sketch plan. (Ord. 50, 1-6-1982)

14-7-2: SINGLE MOBILE HOME UNITS:

A. Compliance Required: Each mobile home shall conform to the provisions of the American National Standards Institute (standards for mobile homes).

B. Mobile Home Stand: The area of the mobile home stand shall be improved to provide adequate foundation for the placement of the mobile home, thereby securing the mobile home against uplift, sliding or rotation. The mobile home stand shall not heave, shift or settle unevenly under the weight of a mobile home due to frost action, inadequate drainage, vibration or other forces working on the mobile home.

C. Support; Connection To Utilities: All mobile homes must be supported on masonry blocks or jacks and connected to town utilities.

D. Setbacks: All mobile homes shall have a minimum front setback of twenty feet (20') from the front lot line and ten feet (10') from the side lot.

E. Skirting: All permanent mobile homes shall be skirted according to town standards within sixty (60) days of occupancy. (Ord. 50, 1-6-1982)

F. Water Service And Sewage Connections: Each dwelling unit shall have individual service connections to the town water and sewage systems. (Ord. 50, 1-6-1982; amd. 2008 Code)

G. Cost Of Expansion Or Extension: The applicant shall bear the full cost of any expansion or extension of town facilities or services, including streets, necessitated by the development.

H. Topographical Features; Slope: Topographical features, slope of building shall not exceed twenty percent (20%).

I. Grading: No lot shall be graded to disrupt the irrigation and drainage systems serving other lots and public streets.

J. Sketch Plan: An accurate sketch plan shall be provided by

the applicant showing lot dimensions and distances from proposed and existing structures to lot lines and to other structures. Any expansion or extension of town facilities (water lines, streets, etc.) shall also be shown on the sketch plan. (Ord. 50, 1-6-1982)

14-7-3: MOBILE HOME PARKS (1):

A. Plans And Specifications: No corporation, municipality, association, institution, firm or person shall construct a "mobile home park" as defined in section 14-2-2 of this title without prior written approval of the health officer" (2). One copy of the complete plans and specifications for the construction and operation of the proposed mobile home park shall be submitted to the division of health and medical services, environmental surveillance and control services, Wyoming department of health and social services, Cheyenne, Wyoming, at least forty five (45) days prior to the proposed date for bid letting or the start of construction. All plans shall show the following:

1. The location, area, dimension and boundaries of the mobile home park site.

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1. See also sections 13-5-7 of this code and 14-5-10 of this title.
2. Health officer as used herein shall mean the administrator of the division of health and medical services, environmental surveillance and control services, Wyoming department of health and social services, or his authorized agent.

2. A map or plat illustrating the number, location, size, designated use of all unit spaces, plus a designation as to specific usage.

3. The location and width of surface materials of roadways and walkways.

4. The location of the service buildings, if provided, plus any other proposed structures (storage buildings, garbage and trash stations, etc.) within the mobile home park.

5. A floor plan of the service buildings, if provided, shall be prepared showing the number and location of toilets, service sinks, doors, windows, and all other pertinent information (walls, ceiling and floor finishes to be submitted).

6. Plans and specifications of all other structures to be

constructed or existing within the mobile home park.

7. The above information shall also be submitted to the planning commission. The planning commission shall review the above information and make appropriate comments. They shall then make their recommendations and subsequent approval or disapproval.

B. Permits:

1. Required:

a. Permit From Health Officer; Posting: It shall be unlawful for any person to operate a mobile home park in the state of Wyoming who does not possess an unrevoked permit from the health officer. Such permit shall be posted in a conspicuous place. (Ord. 50, 1-6-1982)

b. Annual Permits; Issuance: Only persons who comply with the requirements of these standards shall be entitled to receive and retain such a permit. Annual permits shall be issued commencing each May 1 and shall remain in force until April 30 of the ensuing year, unless sooner suspended or revoked as set forth in this section. (Ord. 50, 1-6-1982; amd. 2008 Code)

c. Transferability: Permits shall not be transferable from one person to another person or to a different location than originally issued.

2. Issuance Of Permits:

a. Written Application; Form; Inspection: Any person, firm or corporation desiring to operate a mobile home park shall make written application for a permit on forms provided by the environmental surveillance and control services, division of health and medical services. Prior to issuance of the permit, the mobile home park shall be inspected to determine compliance with provisions of these standards. No permit shall be issued if the standards are not complied with.

b. Temporary Suspension: The permit may be temporarily suspended by the health officer upon violation by the holder of the terms of these standards or revoked after an opportunity for a hearing by the health officer upon serious or repeated violations. All hearings provided for in this section shall be conducted in accordance with the administrative procedures act, at a time and place

designated by the health officer.

c. Operation After Suspension Or Nonissuance: No mobile home park, following temporary suspension or non issuance of a permit for noncompliance of the standards, shall operate in excess of thirty (30) days. If conditions indicate, special consideration may be granted a mobile home park that has indicated a willingness and intent to achieve total compliance with the standards. If the planning commission finds this to be the case, a temporary permit may then be issued. Such temporary permits shall be for a specified time. No additional extension shall be granted for reasons of further non-compliance.

3. Reinstatement Of Permit:

a. Application For Reinstatement: Any mobile home park, the permit of which has been suspended, may, at any time, make application for the reinstatement of the permit.

b. Reinspection; Reinstatement: After the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision or provisions of these standards have been complied with, the health officer shall make a reinspection, and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with requirements; and, in the case the findings indicate compliance, shall reinstate the permit.

C. Inspection Of Mobile Home Parks:

1. Annual Inspection: At least once every twelve (12) months the health officer shall inspect every mobile home park located within the state of Wyoming.

2. Violation; Second Inspection: In case the health officer discovers a violation of any item of these standards, he shall make a second inspection after the lapse of such time as he deems necessary for thQ defects to bQ remedied.

3. Second Notice; Immediate Suspension: If, upon subsequent inspection of any mobile home park, the health officer finds violations have not been corrected which have previously been brought to the attention of the owner or operator, he shall then give a second notice, in writing, to the person to whom the permit was issued that upon any consecutive violation of the same item on a third inspection shall necessitate immediate suspension of the

permit.

D. General Provisions Applying To All Mobile Home Parks:

1. Drainage: Every mobile home park shall be located on a well drained area, properly graded so as to prevent the accumulation of surface water and to ensure proper drainage.

2. Lots; Streets: Mobile home lots shall be clearly numbered, and the park shall be so arranged so that all mobile homes shall face or abut on a driveway or street not less than thirty four feet (34') wide, which driveway or street shall be connected, in at least two (2) places, to a dedicated public street or highway. Such driveway or street shall be asphalt surfaced. Asphalt pavement materials and depth shall be approved by the planning commission through consultation with the designated engineer and ultimately approved by the same. The owner of the mobile home park shall make adequate provisions for the maintenance of all private streets, walkways, and patios within the park.

3. Density: A mobile home park shall not be developed at a residential density greater than eight (8) mobile home spaces per acre.

4. Clearance Between Mobile Homes, Boundaries Of Park: The mobile home park shall be designed to allow for a minimum of fifteen feet (15') clearance between each mobile home. No mobile home shall be located closer than ten feet (10') from the boundaries of the mobile home park.

5. Lots:

a. Minimum Size: Mobile home lots shall consist of a minimum of four thousand (4,000) square feet and shall be not less than forty feet (40') in width.

b. Depth: Each mobile home lot shall have a minimal depth of one hundred feet (100').

c. Boundaries: Each lot shall have its boundaries clearly defined.

d. Number: There shall be no more than one mobile home on each lot. (Ord. 50, 1-6-1982)

6. Water Lines: Adequate water lines, complying with the town standards, must be installed in each mobile home park. They

must be connected to the town water and sewerage system with individual service connections to each lot. (Ord. 50, 1-6-1982; amd. 2008 Code)

7. Electrical System: The electrical system within a mobile home park must conform to the uniform electrical code, and all electrical and utility lines must be installed underground.

8. Off Street Parking: Off street parking for two (2) automobiles per mobile home lot shall be provided. The off street parking spaces shall be covered with asphalt, cement, gravel or other suitable ground cover deemed appropriate by the planning commission.

9. Lighting: Each mobile home park shall be adequately lighted at night.

10. All Weather Walkways; Patios: Provisions shall be made for adequate all weather walkways extending from the required driveway to the required patio. The patio for each mobile home shall be of a durable, weatherproof material. The patio should be a minimum area of twelve (12) square feet.

11. Support; Connection To Utilities; Skirting: All mobile homes must be supported on masonry blocks or jacks and connected to town utilities. A skirting extending from the bottom of the walls to ground, in accordance with town standards, must be installed within sixty (60) days of occupancy.

12. Screening: Screening in the form of shrubbery or a wood or masonry fence, no less than five feet (5') in height, is required between mobile home parks and adjoining conventional residential developments.

13. Common Open Space: In parks containing ten (10) or more mobile homes, an area equal to at least ten percent (10%) of the total area within the boundaries of the mobile home park shall be devoted to common open space available for use by all park residents for recreational or other similar uses, but not including uses for streets, alleys or parking areas. In order to control dust and provide recreational amenities, the ten percent (10%) open space area shall be provided with ground cover in the form of grass, shrubs, trees and other suitable landscaping deemed appropriate by the planning commission.

14. Placement Of Mobile Homes: Mobile homes shall be located on

lot spaces designated for such use (1).

15. Fees: An initial fee of one hundred dollars ($100.00) shall be paid when an application is filed with the planning commission for construction of a mobile home park. If the application is approved, the developer shall pay a fee of ten dollars ($10.00) for each mobile home lot within the proposed park.

16. Variance: Where compliance with provisions of this section would result in undue hardship, a variance may be granted by the planning commission so long as the variance does not impair the intent and purpose of this section. (Ord. 50, 1-6-1982)

E. Water Supply Sampling: Samples for bacteriological (chemical examination required only once) examination shall be submitted regularly and routinely at the rate of not less than once per month, while the mobile home park is operating. This is in accordance with Wyoming Statutes section 35-4-221. (Ord. 50, 1-6-1982; amd. 2008 Code)

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1. This is not to imply that a special parking area may not be provided for unoccupied mobile homes. When such is the case, the space requirement is waived.

F. Refuse Disposal:

1. Storage, Collection And Disposal: The storage, collection, and disposal of refuse shall be in such a manner as to avoid creating an insect or rodent harborage, health hazard, or odor nuisance and shall be approved by the health officer.

2. Containers: Refuse and/or solid waste containers shall be provided in adequate numbers within one hundred feet (100') of each unit space and shall be provided with protection from animals, rodents and insects.

3. Collection Frequency: Garbage shall be collected and disposed of a minimum of once weekly and more often if needed.

4. Maintenance: Every mobile home park shall be kept free of rubbish and maintained in a sanitary condition at all times.

5. Rodents And Insects: All harborages for rodents and insects

shall be eliminated and prevented.

G. Registration Of Occupants: Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes, travel trailers, truck campers, tent trailers and tenter using the mobile home park. The register shall be current. (Ord. 50, 1-6-1982)

14-7-4: MULTIPLE-FAMILY DWELLINGS:

A. Impact Evaluation: All multiple-family dwellings shall be evaluated for their impact on the town water supply and distribution system, fire protection and streets.

B. Cost Of Expansion And/Or Extension: The applicant shall bear the full cost of any expansion and/or extension of town facilities or services and streets necessitated by the development.

C. Architectural Barriers: All multiple-family dwellings shall be designed to minimize architectural barriers.

D. Setbacks: All multiple-family dwellings shall be located at least twenty feet (20') from all streets. The distance from structures to side lot line shall be one foot (1') for each two feet (2') of building height but not less than ten feet (10').

E. Off Street Parking; Lighting; Access: All multiple-family dwellings shall provide adequate off street parking at a rate of two (2) spaces per dwelling unit. Such parking shall have adequate lighting and safe access to a public street.

F. Open Space: Open space surrounding multiple dwellings shall be properly landscaped and maintained by the applicant.

G. Street Extension: Any street extension not indicated in the master plan from a multiple-family dwelling to an existing public street shall be considered a private road and shall be maintained by the applicant. Exception may be made to serve the best interest of the town.

H. Waste Disposal And Removal: The owner of the structure shall be responsible for waste disposal and removal. Garbage removal shall be set at regular intervals at periods not less often than once every seven (7) days. Waste containers shall be weatherproof with tight-fitting lids and shall be of a size to adequately contain all

refuse accumulated.

I. Compliance With Uniform Building Code: All multiple-family dwelling units shall conform to the provisions of the uniform building code. (Ord. 50, 1-6-1982)

14-7-5: SUBDIVISIONS (1):

A. Preliminary Plat:

1. Required; Number Of Copies: No subdivision shall be allowed without a thorough analysis of its impact on the town water supply and distribution system, fire protection and streets. Subdivisions shall also be evaluated on their internal circulation and access system, storm water drainage and street maintenance costs, lot arrangement and layout, and their relationship to natural conditions of the soil, drainage and hydrology, slopes and other natural resource considerations. To accomplish this, a subdivision will not be approved without the submission of a preliminary plat and construction drawings. A minimum of five (5) copies of the preliminary plat must be submitted to the planning commission. (Ord. 50, 1-6-1982; amd. 2008 Code)

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1. See also title 12 of this code.

2. Contents: The following items shall be included on the preliminary plat:

a. Name of subdivision, date, label "preliminary plat", graphic scale, north arrow.

b. Name and address of property owner, subdivider (if other than owner) and developer.

c. Name, address and seal of the registered professional engineer or land surveyor responsible for preparation of the plat.

d. Names of adjacent property owners of record and abutting subdivisions and streets.

e. The plat shall be drawn at a scale of not less than one inch equals one hundred feet (1" = 100'). Boundaries of the tract will be drawn to scale showing all bearings and distances to the nearest one-hundredth foot (0.01 ').

f. Location dimensions and names of existing streets, railroads, easements, municipal boundaries or other public properties and significant features shall be shown within and adjacent to the plat.

g. Zoning classification of the tract and adjacent property shall be shown.

h. Radii of streets, points of curvature, length of arcs.

i. Layout of proposed parcels of land including dimensions of lot lines, lot numbers, and building setback lines.

3. Construction Drawings: The following items shall be included in the construction drawings submitted with the preliminary plat:

a. The drawings shall show all physical features such as streams, wooded areas and existing structures. (Ord. 50, 1-6-1982)

b. Existing topographic contours at an interval of not greater than two feet (2') shall be shown. (Ord. 50, 1-6-1982; amd. 2008 Code)

c. Location of existing sewers, water mains, storm drains, power transmission lines with capacities and direction of flow within and adjacent to the tract and showing proposed connections.

d. Location, right of way and pavement width of proposed streets and utility easements laid out according to sound planning principles.

B. Utility And Facility Standards: No subdivision shall be approved until the following factors have been satisfactorily provided for:

1. Water Distribution Lines: The subdivider shall install water distribution lines within the subdivision and bring the lines to the property line of each lot. The lines shall be connected to the town water system and be built in accordance with town standards, as specified by the designated engineer, and in accordance with standards as set by the state of Wyoming department of environmental quality.

2. Costs Of Extension, Expansion Or Upgrading: The applicant shall bear the full cost of any extension, expansion or

upgrading of town facilities, including streets and crosswalks, needed to accommodate the subdivision.

3. Inadequate Water Facilities; Rejection: A subdivision proposal may be rejected if the town water facilities are not adequate to serve the subdivision.

4. Installation Of Utilities: All utilities shall be installed underground and brought to the property line during street surfacing. (Ord. 50, 1-6-1982)

5. Utility Right Of Way: A utility right of way of fifteen feet (15') may be required along the lot lines.

6. Land Dedication: The subdivider shall dedicate an amount of land equal to six (6) acres per one thousand (1,000) persons in the subdivision for public uses as parks and/or open space. Population shall be calculated on the basis of subsection 12-6-26C of this code. At the option of the town council, the town may require the developer to pay a fee in lieu of land dedication. Such fee shall be equal to the value of land which would otherwise be dedicated pursuant to this title. (Ord. 50, 1-6-1982; amd. 2008 Code)

7. Slope: Slope of building sites shall not exceed twenty percent (20%).

8. Conformance To Standards: All single-family dwellings shall conform to section 14-7-1 of this chapter.

9. Fire Hydrants: Fire hydrants shall be installed. Such fire hydrants shall be of the type, size and number, and installed in such locations as determined by the town.

10. Streetlights: It is the responsibility of the developer to make appropriate arrangements with the local power company to have an adequate number of streetlights installed within the proposed subdivision.

C. Street And Alley Standards:

1. Natural Terrain: Roads or streets shall follow natural terrain to the extent feasible, and cuts and fills shall be minimized.

2. Layout, Design And Construction: The layout, design and construction of public roads, streets, and alleys shall be subject to planning commission approval.

3. Curb, Gutter And Storm Sewerage System: Curb, gutter and a storm sewerage system shall be installed for storm drainage and shall be designed to adequately handle the runoff. The designated engineer must approve the design.

4. Access To Public Street: All subdivisions shall have direct safe access onto a public street.

5. Local Streets: All local streets shall have a minimum right of way of sixty feet (60') with an asphalt paved roadway of thirty four feet (34') and a public right of way of thirteen feet (13') on each side of the paved roadway. (See typical section for local streets found in the section 14-10-1 of this title.) Asphalt pavement materials and depth shall be approved by the planning commission through consultation with the designated engineer and ultimately approved by same.

6. Alleys: Alleys shall not be required; where provided, the right of way shall be twenty feet (20') in width.

7. Cui-De-Sacs; Dead End Streets: Cul-de-sacs shall have a turning circle of at least one hundred feet (100') in diameter at the end and shall be no longer than six hundred feet (600'). Dead end streets without a cul-de-sac shall not be permitted.

8. Surfacing: All public and private streets and private access rights of way within the proposed subdivision shall be graded and surfaced with asphalt pavement in accordance with the town standards.

9. Intersections: Streets shall intersect at ninety degrees (90°) whenever possible.

10. Street Name Signs: Street name signs shall be installed at all street intersections. The subdivider shall bear the cost of purchasing and installing the required street signs. Design and materials shall be approved by the planning commission.

D. Final Plat:

1. Contents: The following items shall be included on the final plat:

a. Name of subdivision or portion thereof, date, label "final plat", graphic scale, north arrow.

b. Name and address of property owner and subdivider (if other than owner).

c. Name, address and seal of registered professional engineer or land surveyor responsible for preparation of the plat, and certification that the plat represents a survey by him and that all monuments shown actually exist, and their location, size and material are correctly shown.

d. Names of adjacent property owners or subdivisions and abutting streets.

e. All exterior plat boundary lines with lengths of courses and bearings as determined by an accurate survey in the field. The plat shall be prepared at a scale of not smaller than one inch equals one hundred feet (1" = 100').

f. Exact location, rights of way, and names of all streets within and adjoining the plat.

g. Radii, internal angles, points of curvature, tangent bearings, lengths of arcs, and lengths and bearings of chords of all applicable streets within the plat area.

h. Location and dimensions of all easements or right of way when provided for or owned by public utilities, with the limitations of the easement rights definitely stated on the plat.

i. Location of lots and blocks showing dimensions to the nearest one-hundredth foot (0.01 '), bearing of lot lines, building setback and identification by consecutive lot number or letter designation.

j. Legal description of the tract being subdivided, reflecting the boundary survey and including the section, township and range.

k. Location of and dimensions of existing and proposed parks. (Ord. 50, 1-6-1982)

2. Submission: A minimum of five (5) copies of the final subdivision plat shall be submitted to the planning commission. The final plat should comply with all respects with the preliminary plat as approved. The final plat should include the entire subdivision and reflect the recommendations made by the planning commission. The final plat should be accompanied by the following: (Ord. 50, 1-6-1982; amd. 2008 Code)

a. The governing body shall require the applicant to obtain and review recommendations from the local conservation districts regarding soil suitability, erosion control, sedimentation, and flooding problems.

b. All utilities should be shown on the final plat, plus statements from utility companies (water, sewer, electric, gas, telephone, etc.) as applicable, that service will be provided to the development and that the utility company or subdivider will provide necessary on site and off site improvements.

c. Any private deed restrictions or covenants to be imposed on any property within the plat shall be submitted.

d. A certificate signed and acknowledged by all parties having any recorded title in the land subdivided, offering for dedication all parcels of land shown in the final plat and intended for any public dedication, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

e. A certificate shall be signed by a registered land surveyor in the state of Wyoming, stating that he is responsible for the survey and that the final plat accurately depicts the subdivision or development and the survey. A statement by the land surveyor explaining how bearings were determined shall be included on the plat. The signature of such surveyor shall be accompanied by his registration number.

f. Evidence satisfactory to the town council that:

(1) The subdivided land is free of all encumbrances and that the person who offers any part of the subdivision for sale or who solicits any offers for the purchase thereof, directly or through agents, may convey merchantable title, subject only to noted reservations or restrictions of record, but free of encumbrance and subject only to a proportionate share of real property taxes or assessments charged or assessed for the year in which any such sale may be legally effected.

(2) Binding arrangements have been made by the person who offers any part of the subdivision for sale, directly or through an agent, to assure purchasers of any part of the subdivision that upon full payment of the purchase price a deed can and will be delivered conveying merchantable title

subject only to noted reservations or restrictions of record and free of encumbrances not specifically assumed by the purchaser, subject only to a proportionate share of such taxes and assessments thereon as may be levied or assessed for the year in which such sale may be legally effected. (Ord. 50, 1-6-1982)

g. If the subdivider proposes to utilize adjoining property for sewers, drainage, sewer lines, power lines or other utilities, the subdivider shall provide copies of the binding easements of not less than fifteen feet (15') in width for the proposed facilities from each property owner over whose land such services shall extend. (Ord. 50, 1-6-1982; amd. 2008 Code)

h. Evidence satisfactory to the town council that adequate access has been provided and that all proposed streets, alleys and roadways within the subdivision conform to the minimum standards adopted by the town council and applied uniformly throughout the jurisdiction which shall not in itself constitute consent of the governing body to locate, repair or maintain roadways and facilities.

i. The subdivider shall provide evidence satisfactory to the town council that he has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the subdivider, including, but not limited to, water systems, sewerage systems, streets and roadways. The applicant shall provide a security assurance equal to one hundred twenty five percent (125%) of the cost of the required improvements to guarantee that any facilities proposed or represented to be part of the subdivision shall in fact be completed as proposed. The security assurance shall be based on the cost estimates for above said improvements as determined by the designated engineer. (See chapter 8 of this title regarding assurances for completion of improvements.)

j. Any other information consistent with these regulations and the governing body's published rules and regulations which the governing body deems pertinent or relevant to the evaluation of the application.

k. At the planning commission meeting, the planning commission will give an opportunity to any interested persons to examine or comment upon the plat and construction plans. After the meeting, the planning commission (1) shall, within forty five (45) days after closing of the meeting, approve, modify and approve, or disapprove the subdivision

application by resolution which shall set forth in detail any conditions to which the approval is subject, or reasons for disapproval. In no event shall the period of time stipulated by the planning commission for completion of required improvements exceed two (2) years from the date of the final resolution. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval, or disapproval, noted thereon, and the reasons therefor accompanying the plat.

1. No vested rights shall accrue to any plat by reason of preliminary or final approval until the actual signing of the plat by the town council. All requirements, conditions, or regulations adopted by the town council applicable to the subdivision or to all subdivisions generally shall be deemed a condition for any subdivision prior to the time of the signing of the final plat by the town council.

3. Contractual Agreement And Approval Process:

a. A contract shall be prepared by the applicant and approved by the town attorney, specifying the exact nature of public improvements to be completed by the applicant. The contract shall stipulate the kind and quality of materials to be used and provide for continuing inspection by a designated engineer as work progresses. The guarantee of adequacy of improvements shall be contained in the contract and shall be binding for one year after the completion date assigning liability to the applicant for failure due to poor workmanship or materials. The contract may include provision for phasing improvements subject to a plan approved by the council.

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1. See also section 12-4-3 of this code.

b. Prior to approval of a final plat of any subdivision, the designated engineer shall make such inspections as are necessary to ensure that all provisions of the compliance permit and of the contract required in these performance standards have been fulfilled. Failure to fulfill any of these provisions shall subject the applicant to the penalties provided for in section 14-3-1 of this title. No lots shall be conveyed until the final plat has been accepted by motion of the council as fulfilling all conditions of the compliance permit and contract, and the final plat recorded with the county clerk.

E. Approval, Signing And Recording Of Plat; Issuance Of

Permit:

1. Town Council Approval: The town council shall approve or disapprove the subdivision application and issue a subdivision permit or ruling within forty five (45) days after the application was filed after receiving a report from the planning commission. If any part of the subdivision lies outside the limits of an incorporated city or town, but adjacent to or within one mile of the boundaries of the town, the approval of the town council must also be obtained in accordance with Wyoming Statutes section 34-12-102.

2. Signing Of Plat: The town council shall endorse approval on the plat after the security assurance has been approved by the governing body, and all the conditions of the resolution pertaining to the plat have been satisfied.

3. Recording Of Plat:

a. The governing body will sign the tracing cloth or reproducible Mylar original of the subdivision plat and two (2) sepia prints of the subdivision plat. The sepia prints will be returned to the applicant's engineer. (Ord. 50, 1-6-1982)

b. It shall be the responsibility of the administrative official to file the plat with the county clerk's office within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the chairman of the planning commission shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the town attorney. (Ord. 50, 1-6-1982; amd. 2008 Code)

14-7-6: INDUSTRIAL DEVELOPMENT (1:)

A. Required Information: No industrial development shall be permitted without a thorough analysis of the effects of that development on the town water and distribution systems, fire protection and streets. To accomplish this, the following information shall be provided by the applicant:

1. An estimate of the amount of water required by the development on a daily basis.

2. An estimate of the amount and type of sewage effluent to be generated daily.

3. An estimate of the amount of solid waste to be generated daily and a plan for its disposal.

4. An estimate of the number of employees, including an estimate of the number who will reside in the town of Elk Mountain.

5. A letter from the fire chief stating if the present fire protection service can adequately protect the proposed development.

6. An accurate sketch plan showing lot dimensions, location of all proposed and existing structures and the distances from structures to lot lines and other structures.

7. Dimensions of proposed structures.

B. Water System: All industrial developments inside the town's limits shall connect to the town's water system. An application may be rejected if the town facilities are not adequate to serve the development.

C. Sewage Disposal Facilities: Adequate sewage disposal facilities must be provided in compliance with DEQ standards.

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1. See also title 13, chapter 4, article D of this code for zoning regulations.

D. Toxic Emissions: No industrial development which emits toxic products, odors or particulate matters shall be located upwind from existing residences. The town may exclude an industrial development on the basis of protecting local air quality even though Wyoming air quality standards are met.

E. Heavy Truck Traffic: Industrial developments generating heavy truck traffic on streets maintained by the town may be required to bear the full cost of resurfacing whenever it is required.

F. Enclosure Of Unsightly Or Unsafe Areas: Industrial developments may be required to enclose unsightly or unsafe areas in the development area, shield glaring surfaces, or muffle noise. An application may be rejected on the basis of unreasonable noise, glare, light or safety hazards.

G. Cost Of Extensions, Expansions Or Upgrading: The applicant shall bear the full cost of any extensions, expansion or upgrading of town facilities, including streets necessitated to accommodate the development.

H. Location Of Development: All industrial development shall be located within those areas designated for industrial development on the future land use map contained within this title.

I. Off Street Parking: Industrial developments shall provide off street parking adequate for employees and customers, such parking having adequate drainage and lighting, and safe access to public streets. The strict application of this performance standard may be varied, however, for smaller developments where on street parking will present no traffic congestion or safety hazard. (Ord. 50, 1-6-1982)

14-7-7: COMMERCIAL DEVELOPMENT (1):

A. Required Information: No commercial development will be permitted without a thorough analysis of the effects of that development on the town water supply and distribution system, fire protection, and streets. To accomplish this, the following information shall be provided by the applicant:

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1. See also title 13, chapter 4, article C of this code for zoning regulations.

1. An estimate of the amount of water required by the development on a daily basis.

2. An estimate of the amount and type of sewage effluent to be generated daily.

3. An estimate of the amount of solid waste to be generated daily and a plan for its disposal.

4. An estimate of the number of employees including an estimate of the number who will reside in the town.

5. An estimate of the amount of traffic generated by the proposed development.

6. An accurate sketch plan showing lot dimensions, location of all proposed and existing structures and distances from structures to lot lines and other structures.

7. Dimensions of proposed structures.

B. Cost Of Extension, Expansion Or Upgrading: The applicant shall bear the full cost of any extension, expansion, or upgrading of town facilities, including streets necessitated to accommodate the development.

C. Water System: All commercial developments inside the town limits must be connected to the town water system and shall be provided with individual hookups.

D. Off Street Parking: Commercial developments shall provide off street parking adequate for employees and customers, such parking having adequate drainage and lighting and safe access to public streets. The strict application of this performance standard may be varied, however, for smaller developments where on street parking will present no traffic congestion or safety hazard.

E. Setbacks 1: A minimum front and corner yard setback equal to the width of the existing or proposed sidewalk shall be maintained whenever abutting a street. A minimum setback of fifteen feet (15') from a lot line is required where the adjacent lot is residential.

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1. See also subsection 13-4C-5B 1 of this code.

F. Location Of Development: Commercial development shall be located within those areas designated for commercial use on the future land use map contained within this code.

G. Signs Or Advertising Structures: No sign or other advertising structures shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or, at any location where by reason of the position, shape, color of illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, device, or flashing beacons; or which makes use of the words, "stop", "look", "danger", or any other words, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

H. Conformance With Uniform Fire Code: All commercial developments shall conform with the provisions of the uniform fire code, which is hereby adopted as it applies to such developments. Inspections by the town building

official shall be conducted annually to ensure compliance with this performance standard, such inspections being preceded by twenty four (24) hours' written notice. (Ord. 50, 1-6-1982)

CHAPTER 8 ASSURANCE FOR COMPLETION AND MAINTENANCE OF SUBDIVISION IMPROVEMENTS

SECTION:

14-8-1: Completion Of Improvements
14-8-2: Guarantee Of Improvements

14-8-1: COMPLETION OF IMPROVEMENTS: All improvements required in these regulations shall be guaranteed. All improvements shall be dedicated to the town, free and clear of all liens and encumbrances on the property and public improvements thus dedicated. (Ord. 50, 1-6-1982)

14-8-2: GUARANTEE OF IMPROVEMENTS: No final subdivision plat will be approved by the town unless one or more of the following methods of assurance are submitted with the final plat. Assurances shall be maintained for a specific period of time necessary to ensure completion of the required improvements within the time period determined by the governing body, not to exceed two (2) years. Extensions of this period shall be granted only upon timely application by the subdivider to the governing body and upon consent of the issuer of the assurance and the governing body.

A. Performance Bond:

1. The applicant may post a performance bond at the time of application for final subdivision approval in an amount estimated by the town council as sufficient to secure to the town the satisfactory construction, installation, and dedications of the uncompleted portion of required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivision as required in these regulations.

2. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the town attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the town council in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event exceed two (2) years from date of final approval.

3. Such bond shall be approved by the town council as to amount and surety and conditions satisfactory to the governing body. The planning commission may, upon proof of

difficulty, recommend to the town council extension of the completion date set forth in such bond for a maximum period of one additional year. The town council may, at any time during the period of such bond, accept a substitution of principal of sureties on the bond upon recommendation of the planning commission.

B. Escrow Account:

1. The subdivider shall deposit cash, or collateral readily convertible to cash at face value, either with the town councilor in escrow with a bank. The use of collateral other than cash, and the selection of the bank with which funds are to be deposited are subject to the approval of the town council.

2. When an escrow account is to be employed, the subdivider shall file with the town council his agreement with the bank guaranteeing the following:

a. The funds in the escrow account are to be held in trust until released by the town council and may not be used or pledged by the subdivider as security for an obligation during that period; and

b. In case the subdivider fails to complete the required improvements, the bank shall immediately make the funds in escrow available to the town for the completion of these improvements.

C. Property Escrow: The subdivider may offer as a guarantee land or other property, including corporate stocks or bonds. A qualified real estate appraiser shall establish the value of any real property so used and, in so doing, shall take into account the possibility of a decline or rise in the value of the property during the guarantee period. The town council reserves the right to reject the use as collateral of any property when the value of the property is unstable, when the property may be difficult to sell, or when other factors exist which will inhibit the town council from exchanging the property for an amount of money sufficient to complete the required improvements. When property is offered as an improvement guarantee, the subdivider shall:

1. Execute an agreement with the escrow agent when it is not the town of Elk Mountain instructing the agent to release the property to the town of Elk Mountain in the case of default. The agreement shall be placed on file with the

county clerk.

2. File with the town council an affidavit affirming that the property to be used as guarantee is free and clear of any encumbrances or liens at the time it is to be put in escrow.

3. Execute and file with the town council an agreement stating that the property to be placed in escrow as an improvement guarantee will not be used for any other purpose, or pledged as a security in any other matter, until it is released by the town council. (Ord. 50, 1-6-1982)

D. Trust Agreement: The subdivider shall place on deposit in a bank or trust company in the name of the town of Elk Mountain and approved by the town attorney, in a trust account a sum of money equal to one hundred twenty five percent (125%) of the estimated cost of all site improvements required by these regulations. The cost and time of completion shall be approved by the designated engineer. Selection of the trustee shall be executed on the form approved by the town, and approved as to form and legality by the town attorney. Periodic withdrawals may be made from the trust account for a progressive payment of installation costs. The amounts of such withdrawals shall be based on progress work estimates and approved by the designated engineer. All such withdrawals shall be approved by the trustee and the governing body. (Ord. 50, 1-6-1982; amd. 2008 Code)

E. Special Trust Agreement: The developer will establish a trust account for the assignment of funds to be used for subdivision improvements. A title insurance company, bank, or any other fiduciary institution approved by the town shall act as trustee. Funds shall be withheld and impounded from the cash sales of lots in the subdivision to cover improvement costs on a prorated basis. In the event of a sale for part cash, the balance on a deferred basis, a specified monthly sum from the installment will be withheld and impounded. Periodic withdrawals may be made from the trust account for a progressive payment of installation costs, with the concurrence of the trustee and the governing body. If the developer completes the improvements as required, the trust funds shall be returned to him. If the developer does not complete the improvements, then the town may direct that the funds in the trust account be transferred to the town. The town may require that improvements be installed in stages and that lots be sold in stages. The number of lots involved shall be determined

at the discretion of the town.

F. Third Party Trust Agreement: The subdivider may place title to the subdivided property in trust with a third party escrow agency or trust company authorized and licensed to do business in the state of Wyoming. The trust shall include an agreement between the trustee and the town that title to any lot or parcel within the subdivision shall not be transferred until all improvements required by these regulations have been installed and accepted by the town, or any particular lot or parcel, with written approval for release to the escrow agency or trust company holding the property in trust. The agreement shall contain special conditions providing for authorization of the town to abandon and resubdivide the property should the required improvements fail to be installed in compliance with standards set forth in this title.

G. Construction Of Improvements Prior To Final Plat Recordation: If the subdivider chooses to construct the required improvements prior to the recording of the final plat, he shall submit the construction plans to the designated engineer. A certificate by the engineer on the as built plans stating the construction conforms to the specifications and standards contained in or referred to herein must be presented to the planning commission and the town council prior to approval of the final plat.

H. Special Improvement District: The owner of any land to be platted as a subdivision shall, at his own expense or through the formation of a special improvement district, install said improvements, providing that if the special improvement district method is chosen the following steps are to be taken:

1. Town will not pledge any faith, credit, taxes or resources to the special improvement district.

2. Owner will provide assurances as required by the town council until the special improvement district's success is realized.

3. Assessments will be paid in full upon sale of each lot, or assumption of assessments by new owner, in writing.

4. Owner will escrow an amount estimated to cover costs of initiating district if it should fail.

I. Irrevocable Letter Of Credit: Subject to the approval of

the town council, the subdivider shall provide an irrevocable letter of credit from a bank or other reputable institution or individual. This letter shall be deposited with the town council and shall certify the following:

1. The creditor guarantees funds in an amount equal to one hundred twenty five percent (125%) of the cost, as estimated by the designated engineer and approval by the town council, of completing all required improvements.

2. If the subdivider fails to complete the specified improvements within the required period, the creditor will pay to the town immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.

3. This irrevocable letter of credit may not be withdrawn or reduced in amount until released by the town council.

J. Other Assurances: In the event that none of the above forms of security assurances can be agreed upon, provision is hereby made for any assurance or combination of assurances acceptable to the subdivider, the issuer of the assurance, and the governing body. (Ord. 50, 1-6-1982)

CHAPTER 9 FEE SCHEDULE

SECTION:

14-9-1: Fees Authorized
14-9-2: Fees Schedule

14-9-1: FEES AUTHORIZED: The council shall establish a schedule of fees to accompany each application for a compliance permit and each inspection required by this title. (Ord. 50, 1-6-1982)

14-9-2: FEES SCHEDULE:

A. Application For Compliance Or Variance Permit: Application fee for a compliance or variance permit shall be ten dollars ($10.00).

B. Subdivision Application; Compliance Permit: Application fee for a subdivision shall be twenty five dollars ($25.00). After final approval, a compliance permit will be issued upon payment of the greater of one hundred dollars ($100.00) or ten dollars ($10.00) per lot up to a maximum of one thousand dollars ($1,000.00). (Ord. 50, 1-6-1982)

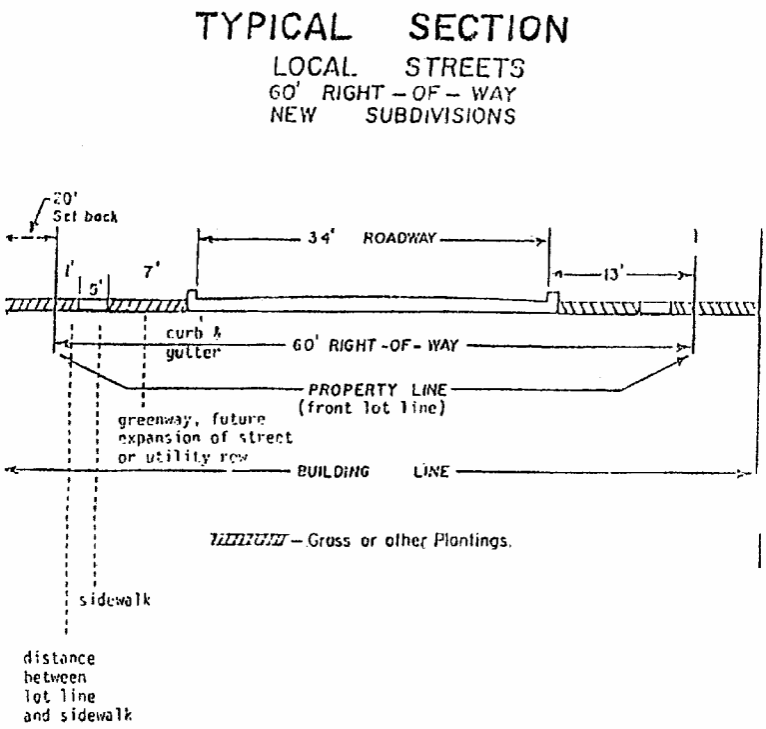
CHAPTER 10 DRAWINGS AND FORMS

SECTION:

14-10-1: Typical Section, Local Streets
14-10-2: Application Form For Compliance Permit
14-10-3: Compliance Permit
14-10-4: Application For Appeal Of Decision
14-10-5: Application For Variance

14-10-1: TYPICAL SECTION, LOCAL STREETS:

TYPICAL SECTION, LOCAL STREETS:



(Ord. 50, 1-6-1982)

14-10-2: APPLICATION FORM FOR COMPLIANCE PERMIT:

Town of Elk Mountain

APPLICATION FORM FOR COMPLIANCE PERMIT

It is recommended that the applicant be thoroughly acquainted with the Elk Mountain Town Development Code and discuss plans with members of the Planning Staff who are available to provide technical assistance to citizens before application is made.

1. _____
Applicant's name

_____
Address

_____
Telephone

2. Representative's name

_____
Address

_____
Telephone

3. Type of Development Proposed.

4. Attach the following information:

a. Sketch plan, where required. See performance standards for content.

b. Special information and data not included in a sketch plan but required by performance standards.

c. Any required permits or applications for permits.

d. A map showing location of the proposed development site and a scaled drawing of the site, itself, indicating placement of structures with dimensions and distances indicated; if not provided for by a sketch plan.

(Ord. 50, 1-6-1982)

14-10-3: COMPLIANCE PERMIT:

COMPLIANCE PERMIT
Elk Mountain, Wyoming

1. Applicant's name _____

   Address _____

   Telephone _____

2. Type of Development:

   ____ Single Family Residence
   ____ Single Unit Mobile Home
   ____ Mobile Home Park
   ____ Multi Family Dwelling
   ____ Subdivision
   ____ Industrial
   ____ Commercial
   ____ Accessory Building
   ____ Other

3. We, the Town Council of Elk Mountain, after undertaking a thorough review in accordance with Town Ordinance No. ____ of the above named proposal hereby grant a compliance permit to _____ for a period of one year in which time on-site construction shall begin.

   The application, alL required sketches, plans, plats, and permits required by Wyoming law have been approved by the Town Council and filed with the Town Clerk-Treasurer. Any conditions made have been attached to this permit.

4. Date of official approval by Town Council _____with conditions attached ____ without conditions ____.

5. Last document accepted for filing _____

_____ _____
Date Signature of Clerk

6. Permit granted _____

_____ _____
Date Signature of Mayor

Attest:

_____ Signature of Clerk

7. The applicant has been informed of all attached conditions, if any, and the penalties associated with falsification of information and noncompliance.

   The applicant also understands that reapplication for a permit will be required in order to proceed if on site construction has not begun within one (1) year from the date of issuance of this permit.

_____ _____

Date Signature of Applicant or Representative

(Ord. 50, 1-6-1982)

14-10-4: APPLICATION FOR APPEAL OF DECISION:

APPLICATION FOR APPEAL OF DECISION

Elk Mountain Town Development Code

(Appeals shall be filed with both the Planning Commission and Town Council)

_____
Applicant Name

_____
Address

_____
Telephone Number

_____
Location of Property

_____
Legal Description

Purpose of Appeal

I HEREBY REQUEST OF THE TOWN COUNCIL OF ELK MOUNTAIN, WYOMING, A HEARING ON MY BEHALF TO APPEAL THE DECISION OF THE _____, ON MY APPLICATION FOR A _____ DENIED BY THEIR ACTION DATED _____, 20____. THE SPECIFIC GROUNDS FOR MY ACTION ARE BASED ON THE FOLLOWING CONDITIONS: _____

_____

_____

_____

CASE RECORD _____

DATE RECEIVED _____

DATE SET FOR HEARING _____

LEGAL NOTICE OF 7 DAYS COMPOSED/NEWSPAPER _____

ADDITIONAL MATERIAL REQUIRED, RECEIVED _____

_____

ACTION: APPROVED/DISAPPROVED _____

DATE OF ACTION _____

_____ _____

Date Signature of Applicant or Representative

(Ord. 50, 1-6-1982)

14-10-5: APPLICATION FOR VARIANCE:

APPLICATION FOR VARIANCE

Refer to
Town of Elk Mountain Development Code

_____
Date of Application

_____
Applicant Name

_____
Address

_____
Telephone Number

_____
Location of Property

_____
Legal Description

Purpose of Variance

I hereby request of the Planning Commission of Elk Mountain, Wyoming, a hearing on my behalf for a variance of the strict application of the Elk Mountain Town Development Code. The specific grounds for my action are based on the following conditions:

_____
_____
_____

DATE RECEIVED _____
DATE SET FOR HEARING _____
LEGAL NOTICE OF 7 DAYS COMPOSED/NEWSPAPER _____
ADDITIONAL MATERIALS REQUIRED, RECEIVED _____
ACTION: APPROVED/DISAPPROVED _____
DATE OF ACTION: _____

_____ _____
Date Signature of Owner Or Agent

Ord. SO, 1-6-1982)

TITLE 15 FLOOD CONTROL

Subject ..... Chapter

Flood Damage Prevention 1

CHAPTER 1 FLOOD DAMAGE PREVENTION

SECTION:

15-1- 1: Statutory Authorization
15-1- 2: Findings Of Fact
15-1- 3: Statement Of Purpose
15-1- 4: Methods Of Reducing Flood Losses
15-1- 5: Definitions
15-1- 6: Application And Interpretation Of Provisions
15-1- 7: Administration Of Provisions
15-1- 8: Development Permit
15-1- 9: Provisions For Flood Hazard Reduction
15-1-10: Warning And Disclaimer Of Liability

15-1-1: STATUTORY AUTHORIZATION: The legislature of the state of Wyoming has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the town council does hereby adopt the provisions of this chapter. (Ord. 65, 10-12-1987)

15-1-2: FINDINGS OF FACT:

A. The flood hazard areas of Elk Mountain are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated otherwise protected from flood damage also contribute to the flood loss. (Ord. 65, 10-12-1987)

15-1-3: STATEMENT OF PURPOSE: It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 65, 10-12-1987)

15-1-4: METHODS OF REDUCING FLOOD LOSSES: In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 65, 10-12-1987)

15-1-5: DEFINITIONS: Unless specifically defined below, words or

phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1 %) or greater chance of flooding in any given year.

BASE FLOOD: The flood having a one percent (1 %) chance of being equaled or exceeded in any given year.

DEVELOPMENT: Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the federal emergency management agency has delineated areas of special flood hazard designated as zone A.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters and/or

B. The unusual and rapid accumulation or runoff of surface waters from any source.

MANUFACTURED HOME: 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. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

STRUCTURE: A walled and roofed building or manufactured home that is principally aboveground.

SUBSTANTIAL IMPROVEMENT: A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to

occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

B. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places. (Ord. 65, 10-12-1987)

15-1-6: APPLICATION AND INTERPRETATION OF PROVISIONS:

A. Land To Which This Chapter Applies: This chapter shall apply to all areas of special flood hazard within the jurisdiction of Elk Mountain.

B. Basis For Establishing Areas Of Special Flood Hazard: The areas of special flood hazard identified by the federal emergency management agency in its flood insurance rate map (FIRM), dated November 4, 1987, is adopted by reference and declared to be part of this chapter. The FIRM is on file at the town hall.

C. Compliance: No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this chapter and other applicable regulations.

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

E. Interpretation: In the interpretation of this chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted

under state statutes. (Ord. 65, 10-12-1987)

15-1-7: ADMINISTRATION OF PROVISIONS:

A. Administrative Authority: The town clerk-treasurer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

B. Duties And Responsibilities: Duties of the town clerk-treasurer shall include, but not be limited to:

1. Permit Review:

a. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

b. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

c. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this chapter, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

(1) If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.

(2) If it is determined that there is an adverse effect, then technical justification (Le., a registered professional engineer's certification) for the proposed development shall be required.

(3) If the proposed development is a building, then the provisions of this chapter shall apply.

2. Use Of Other Base Flood Data: When base flood elevation data has not been provided in accordance with subsection 15-1-6B of this chapter, the town clerk-treasurer shall obtain, review, and reasonably utilize any base flood elevation and flood way data available from a federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other

development in zone A is administered in accordance with subsection 15-1-9B of this chapter.

3. Information To Be Obtained And Maintained:

a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b. For all new or substantially improved floodproofed structures:

(1) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.

(2) Maintain the floodproofing certifications required in subsection 15-1-8C of this chapter.

c. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Alteration Of Watercourses:

a. Notify adjacent communities and the 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.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation Of FIRM Boundaries: Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). (Ord. 65, 10-12-1987)

15-1-8: DEVELOPMENT PERMIT: A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 15-1-68 of this chapter. Application for a development permit shall be made on forms furnished by the town clerk-treasurer and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimension, and elevation of the area in question; existing or proposed structure, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the

following information is required:

A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 15-1-9B2 of this chapter; and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 65, 10-12-1987)

15-1-9: PROVISIONS FOR FLOOD HAZARD REDUCTION:

A. General Standards: In all areas of special flood hazard, the following standards are required:

1. Anchoring:

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

b. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. 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. Specific requirements may be:

(1) Over the top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty feet (50') long requiring one additional tie per side;

(2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty feet (50') long requiring four (4) additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

(4) Any additions to the manufactured home be similarly anchored.

2. Construction Materials And Methods:

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. All new construction and 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.

3. Utilities:

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

c. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals:

a. All subdivision proposals shall be consistent with the need to minimize flood damage;

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals shall have adequate drainage

provided to reduce exposure to flood damage; and

d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5. Encroachments: Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

B. Specific Standards: In all areas of special flood hazard where base flood elevation data has been provided as set forth in subsection 15-1-7B2 of this chapter, the following standards are required:

1. 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.

2. Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certifications shall be provided to the official as set forth in subsection 15-1-7B3(b) of this chapter. (Ord. 65, 10-12-1987)

15-1-10: WARNING AND DISCLAIMER OF LIABILITY: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on

scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Elk Mountain, any officer or employee thereof, or the federal emergency management agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 65, 10-12-1987)

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