

TITLE 11

PUBLIC SAFETY AND SANITATION

Section

11-1-1	Continuing Violations
11-1-2	Enforcement
11-2-1	Definitions
11-2-2	Waste Collection
11-2-3	Transportation of Waste
11-2-4	Disposal of Dead Animals
11-2-5	Burning of Waste Prohibited
11-2-6	Connection to Sewer Required
11-2-7	Littering
11-2-8	Fire Hazards
11-3-1	Abandoned Containers or Appliances on Private Property
11-3-2	Abandoned Vehicles on Private Property
11-3-3	Abandoned Vehicles or Heavy Appliances Deemed a Nuisance
11-4-1	Removal of Snow
11-4-2	Same; Removal Cost to be Assessed to Owner or Occupant
11-4-3	Same; Main Street Properties
11-5-1	Public Easements and Rights-of-Way
11-5-2	Permit for Temporary Obstruction
11-6-1	Nuisance Weeds
11-6-2	Removal of Weeds, grass Clippings, Limbs, Trash
11-7-1	Title (Solar Rights Act)
11-7-2	Authority
11-7-3	Purpose
11-7-4	Application
11-7-5	Administration and Enforcement
11-7-6	Permits Required
11-7-7	Non-conforming Use and Existing Solar Collectors
11-7-8	Definitions
11-8-1	Installation and Use of Heating Stoves
11-9-1	Definitions
11-9-2	Tree Sizes and Species
11-9-3	Distance From Street Corners and Fireplugs
11-9-4	Distance from Curb and Sidewalk
11-9-5	Public Tree Care
11-9-6	Pruning: Corner Clearance
11-9-7	Adjacent Landowner Responsibility
11-9-8	Tree Topping

11-9-9	Dead or Diseased Tree Removal on Private Property
11-9-10	Exemptions
11-9-11	Arborists License and Bond
11-9-12	Interference with City Tree Board
11-9-13	Review by Governing Body
11-9-14	Penalty
11-9-15	Conflict with other Ordinances
11-9-16	Date of Effect
11-10-1	Definitions - Historic Vehicle Collection
11-10-2	Same; Keeping or Parking Prohibited When
11-10-3	Same; Review Standards & Condition
11-10-4	Same; Removal of:
11-11-1	Reimbursement for Damage or Destruction to Main Street
11-12-1	Mayoral Jurisdiction – Five Miles

Title was recodified by Ordinance 714, effective 5-5-81.

11-1-1. Continuing Violations. - Each day of a continuing violation of this Title shall be deemed a separate offense. *(Amended by Ordinance 730.)*

11-1-2. Enforcement. - The Chief of Police of the City and Building Inspector shall have authority to enforce the provision of this Title, except for Chapter 6, where the Building Inspector shall have such authority.

11-2-1. Definitions. - For the purpose of this Chapter, "waste" is defined as any discarded or abandoned matter, liquid or solid, whether animal, vegetable, or mineral in origin, with the following exceptions:

(a) sand, mineral earth, dust, leaves, and seeds swept or washed from improved walkways and driveways;

(b) snow and ice removed from walkways and driveways;

(c) compost, defined as a mixture of grass clippings, leaves, hay, or other vegetable matter kept in an orderly manner and having no significant odor.

11-2-2. Waste Collection. -

(a) It shall be the responsibility of all persons to provide for the regular collection and removal of waste from premises under their control, including ditches running across such premises, and gutters and ditches for drainage or irrigation that may extend along any street, alley, or highway adjacent to such premises. The premises shall be maintained in a clean and orderly condition at all times and no deposits or accumulations of waste shall be permitted.

(b) Waste containers shall be provided by the occupant of any occupied premises. Containers shall be equipped with lids or covers with handles on opposite sides for ease in carrying and handling, and shall be kept clean, sanitary and in good condition. Any container that does not conform to the foregoing or that has ragged or sharp edges or any other defect that may hamper or injure the person collecting the contents shall be promptly replaced upon notice by a licensed waste collector.

(c) No person shall place any waste for collection on public or private property without the permission of the owner and except in proper waste containers; no waste container shall be placed within the right-of-way of a street, alley, or sidewalk; proper waste containers and tightly closed, unbroken plastic garbage bags may be placed curbside on waste collection days.

11-2-3. Transportation of Waste. - Waste transported by vehicle must be tied, covered, or secured so that it cannot blow away or drop from the vehicle carrying it.

11-2-4. Disposal of Dead Animals. - The owner of all game animal hides, heads, carcasses and feet, and all dead non-game animals, within 12 hours of processing or discovery, shall preserve said items by indoor refrigeration or chemical process, or dispose of said items at the City of Lander Sanitary Landfill or otherwise remove said items from the City.

11-2-5. Burning of Waste Prohibited. - Except as authorized, no person shall burn any material outdoors or in any indoor fireplace or stove, except for wood, coal, or other clean-burning fuel.

11-2-6. Connection to Sewer Required. - All plumbing fixtures, except for outdoor faucets, shall connect and drain into the City sewer system on premises where connection to the City sewer system is available.

11-2-7. Littering. -

(a) No person shall throw, drop, deposit or abandon any waste, spital, excrement, or filth on public or private property with or without the consent of the property owner as authorized by City personnel and ordinance.

- (b) This Section does not apply to:
- (i) messages placed in a prominent and secure position;
 - (ii) objects or substances deposited in receptacles for waste materials; or
 - (iii) individual objects of a readily marketable value of \$5.00 or more.

(c) The driver of a vehicle from which any waste has been dropped or thrown may be held liable under this section without proof as to which occupant of the vehicle was responsible.

11-2-8. Fire Hazards. –

(a) If the Fire Department responds to the scene of any fire or other incident, the Fire Chief or his designee may inspect the premises, vehicle or equipment which was the subject of the response. If, in the opinion of the Fire Chief or his designee, the premises, vehicle or equipment presents a hazard of further fire, collapse or other dangerous conditions, the Fire Chief or his designee may prepare and serve on the owner, lessee or custodian of such property an order relative to the premises, vehicle or equipment. If the owner, lessee or custodian cannot be located, the order may be posted upon the premises, vehicle or equipment.

(b) Said order may provide, any or all of the following:

- (i) That the premises be vacated;
- (ii) That any vehicle or equipment or any appliance or fixture upon the premises not be operated until it is repaired and/or certified that it is safe to operate.
- (iii) That the owner, lessee or custodian, within five (5) days, contact the Building Inspector for the City to arrange for an inspection and comply with any directives of said inspector.

(c) It shall be a misdemeanor for any person to occupy any structure ordered to be vacated, operate any vehicle, equipment, appliance fixture in violation of the order of the Fire Chief or his designee, or to fail to arrange any inspection ordered by the Fire Chief or his designee.

11-3-1. Abandoned Containers or Appliances on Private Property. - No person shall permit any heavy appliance such as a refrigerator, stove, bathtub, or other airtight container to remain on any private property outside of a fully enclosed structure for longer than 30 days, and during such 30-day period such appliance or container shall be rendered in a safe condition to prevent any persons from becoming entrapped therein.

11-3-2. Abandoned Vehicles on Private Property. - Repealed *Ordinance 874, effective 2-11-92.*

11-3-3. Abandoned Heavy Appliance Deemed a Nuisance - Abandoned containers or heavy appliances kept contrary to the provision of Section 11-3-1 above are deemed a nuisance and the city may abate the same by serving notice upon any owner of the premises. If the container or heavy appliance is not removed within five (5) days of notice, the city may remove and dispose of the container or heavy appliance at said owners expense.

11-4-1. Removal of Snow. - All persons or entities owning, occupying or having control of certain premises, a building or an empty lot located within commercial zones in the City of Lander shall clear the sidewalks of snow, in front of or on the side of said premises, building or empty lot located adjacent to a public street after any snowfall accumulation within

48 hours. All persons owning, occupying, or having the control of premises, a residence, a building or empty lot located within all other zones in the City of Lander shall cause such snow fall accumulation to be removed from sidewalks on the boundary of their premises, residence, building or empty lot within five (5) days. (*Section 11-4-1 was amended by Ordinance 1160 effective May 16, 2010*)

11-4-2. Same; Removal Costs to be Assessed to Owner or Occupant. - In the event the person(s) owning, occupying or having control of premises, a residence, building or empty lot within the corporate limits of the City of Lander refuses, neglects, or otherwise fails to promptly remove accumulations of snow from sidewalks as required by the provisions of Section 11-4-1, the City, through its authorized representatives, may cause the same to be removed and to assess all costs therefor against the property owners. The Chief of Police shall notify the owner of the affected property, at the owner's most recent address as shown on the records of the County Assessor, of the amount and reason for the assessment, and if such expenses are not paid within the next 30 days of the mailing of such notice, the amount of expenses shall draw interest at 12% per annum. The recordation of such notice shall be a lien on such property which may be foreclosed in the same manner and subject to the same periods of redemption as for collection of delinquent property taxes. Such expenses, together with interest and costs of collection, including a reasonable attorney's fee, may also be collected by civil action filled in the name of the City of Lander against the property owner.

SECTION 1: Except as provided below in Section 3 hereinafter and as otherwise provided by city ordinance, it shall be unlawful for any person, firm, entity or corporation to remove, shove, push or spread snow or slush or ice or related debris into, onto or upon any street, alley or other public area, way or property of the City of Lander.

SECTION 2: Areas or ways reserved as sidewalks and provided principally for pedestrian traffic in, along or adjacent to streets and other public ways within the City of Lander in all zones except for commercial zones, shall be cleared of snow, slush, and ice by the removal of the accumulation of snow, ice and slush onto the property owners land and not into or upon any public streets. Where a sidewalk or sidewalk area is also a portion of a vehicle driveway, the portion of such driveway normally used as a sidewalk than the accumulation of snow, ice and slush shall be removed upon the property owners land and not into or upon any public streets.

SECTION 3: Persons owning or leasing property within the commercial zone for the City of Lander, as defined by the official City of Lander Zoning Map, shall be allowed to push the snow, ice and slush from their sidewalk into the public street. Persons owning or leasing property within the commercial zone for the City of Lander, as defined by the official City of Lander Zoning Map, shall be allowed to push the snow, ice and slush from the parking area of their property into the street windrow with the exception of 2nd and 5th streets on the north side of Main Street and 2nd, 5th, 6th, 7th, and 9th streets on the south side of Main Street, subject to the following terms and conditions:

- a) The snow must be pushed into the middle of the street as provided for herein by 5:00 a.m. on the day of a snow;

- b) The snow shall be pushed into the windrow in the center of the street and overflow snow shall be cleaned from the street as soon as possible so as not to create a traffic hazard;
- c) Prior to pushing any snow into the windrows of the street, the owner or leasee shall first purchase from the City of Lander a permit at the rate of \$250.00 per year and said permit will cover the remaining current snow season;
- d) Snow may only be pushed into the streets from concrete or asphalt surfaces;
- e) The above said right shall not extend to owners or leasees who own or lease an area of more than 8,000 square feet of parking space to be cleared in any one location;
- f) Any person who violates any of the terms and conditions of this section shall be subject to the fine set forth in section 7 hereof.

SECTION 4: No person, firm or corporation, except the City, shall remove, push, shove or spread, snow or slush or ice or related debris into, onto or upon any street, alley or other public area, way or property from the parking lane in any residential or commercial zone, except that the gutter only may be cleared to facilitate water flow.

SECTION 5: The City of Lander may, at its discretion, collect and remove snow, slush and ice and like material from public property and from private property and dispose of the same.

SECTION 6: The city engineer is authorized to designate areas of city owned property on which snow, ice, slush and such accumulations may be dumped, which areas are so located that the melt will be unlikely to become hazardous by entering and refreezing in the streets. Persons who have engaged any contractor to remove and dispose of such accumulations from private property may collect the same and deposit it in said location.

SECTION 7: Any person found guilty of violating the provisions of this ordinance shall be fined in any sum not to exceed \$100.00 to which fine shall be added costs.

SECTION 8: If any one or more sections, sentences, clauses, words or parts of this ordinance shall for any reason be questioned or held invalid, a judgment in respect thereto shall not affect, impair, or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific part so held unconstitutional or invalid. The inapplicability or invalidity of any part in any one or more instances shall not affect or prejudice in any way the applicability and validity of this ordinance in any other instance. *(Section 11-4-2 was amended by Ordinance 1160 effective 5/16/10)*

11-5-1. Public Easements and Right-Of-Way. - Awnings, canopies, marquees or other overhead cantilevers, benches and flower boxes may be placed on or over sidewalk areas, public rights-of-ways and easements in the C1 & C2 zones of the City of Lander, except they shall not be placed in such a manner as to obstruct the free flow of pedestrian or vehicular traffic over such sidewalks, public rights-of-way and easements. A building permit shall be required for the awning, canopies, marquees and other overhead cantilevers to be obtained from the City of

Lander Building Inspector who shall issue such permit upon the receipt of an acceptable detailed drawing of the proposed construction. They shall meet all City of Lander and Uniform Building Codes.

(a) Section 4505(c) page 748 of the Uniform Building Code is hereby amended to read as follows:

(c) Length. A marquee projecting more than two thirds of the distance from the property line to the curb line shall not exceed 50 feet in length along the direction of the street.

(b) Section 4505(e) page 748 of the Uniform Building Code is hereby amended to read as follows:

(e) Construction. A marquee shall be supported by the building and/or columns constructed of noncombustible materials or, when supported by a building of Type V construction, may be of one-hour fire-resistive construction.
(Section 11-5-1 amended by Ordinance 862, effective 7-9-91.)

11-5-2. Permit for Temporary Obstruction. - Application may be made to the Chief of Police of the City for a permit to allow a temporary obstruction of a street or alley. If the Chief of Police determines that such a temporary obstruction will serve a valid purpose and that adequate safety measures will be taken by the applicant to protect the public, the Chief of Police may issue such temporary permit for such period of time and upon such terms and conditions as are deemed necessary to protect the public.

11-6-1. Nuisance Weeds. -

(a) General growth of grass or weeds in excess of 12 inches and any growth of the following particular weeds are deemed to be a nuisance:

Canada Thistle;
Musk Thistle;
Scotch Thistle;
Plumeless Thistle;
Leafy Spurge;
Hoary Cress (White Top);
Perennial Pepperweed (Giant White Top);
Russian Knapweed;
Quack Grass;
Field Bindweed;
Dalmation Toadflax;

Yellow Toadflax;
Skeletonleaf Bursage;
Common Burdock;
Ox-Eye Daisy;
Perennial Sow Thistle;

(b) Upon determining that such a nuisance exists, the weed and pest supervisor, or the city inspector or their designated agent shall notify the owner(s) of the affected property by written notice to the owner(s)'s most recent address as shown on the records of the County Assessor, specifying the areas to be cut or the weeds to be removed. The owner(s) shall thereupon correct the condition of the premises within ten days of such notice.

(c) If the owner(s) fails to correct the condition within ten days of notice, the City may proceed to correct the condition, and the owner(s) of the premises shall be liable for the expenses so incurred, which shall be a lien against such property, in addition to the penalty provided by this Title.

(d) If such expenses are not paid by the owner(s) within 30 days of the date that a notice specifying the amount and reason for the assessment is mailed to the owner(s), at his most recent address as shown on the records of the County Assessor, the amount the owner(s) shall draw interest at 12% per annum, and the recordation of such notice shall be a lien on such property which may be foreclosed in the same manner and subject to the same periods of redemption as for collection of delinquent property taxes. Such expenses, together with interest and costs of collection, including a reasonable attorney fee, may also be collected by civil action filed in the name of the City against the property owner(s).

(e) The growth of any state designated noxious weeds within the city limits will not be allowed. An effort must be made by the property owner(s) to control any designated noxious weeds. Mechanical, chemical or biological controls, as determined by the industry standard, maybe used to control noxious weeds. (*Section 11-6-1 amended by Ordinance 1066 effective 7/22/03*)

11-6-2. Owner or Occupant to Remove Weeds and Maintain Grass. -

a) It shall be the duty of every owner(s) or occupant and agent of any owner(s) or occupant of any lot or parcel of land **not found to be classified as an agricultural or natural area and is part of a subdivision** in the City of Lander, to keep the alleyways abutting the lot or parcel, and the sidewalk area in front thereof or if no sidewalk is present the area between the lot or parcel and the curb, reasonably free and clear from weeds, grass clippings, limbs and waste as that term is defined in Section 11-2-1 of the Lander Municipal Code, and to keep any grass area trimmed in a reasonable manner. **Xeriscaping or natural landscaping will be allowed so long as they are well maintained and well kept.**

b) Upon determination **by the weed and pest supervisor or** the city inspector or their designated agent that the provisions of section (a) hereof have not been complied with, the provisions, procedures and remedies as are contained in Municipal Code Section 11-6-1(b) through 11-6-1(d) shall be followed and be applicable to this section. (*Amended by Ordinance 868 effective 11-12-91*)

(c) The interference of a city employee while performing his or her duties, for the City of Lander, will be considered a misdemeanor and prosecuted as such. (*Section 11-6-2 amended by Ordinance 1066 effective 7/22/03*)

11-7-1. Title. - This Chapter shall be known, cited and referred to as the Solar Rights Act of the City of Lander, Fremont County, Wyoming.

11-7-2. Authority. - This Chapter is adopted pursuant to and in accordance with the authority vested in the City Council of the City of Lander, Wyoming by the Statutes of the State of Wyoming Sections 34-22-101 through 34-22-106.

11-7-3. 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 this Chapter is to provide adequate protection from interference by structures, trees, or topography. It is the intent of this Chapter 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 permitted use in all zoning districts.

11-7-4. Application. - This Chapter shall apply to all lands within the corporate limits of the City of Lander, Wyoming, as they may from time to time be amended.

11-7-5. Administration and Enforcement. -

(a) Administration. The City of Lander Department of Planning shall be responsible for the administration of these regulations.

(b) Enforcement. Once a solar collector conforming to these regulations has been constructed, the permit has been approved by the Department of Planning, and it has been recorded in the County Clerk's office, then a solar property right is established. Violation of the permitted and recorded right is a violation of civil law. The City of Lander will not intervene in disputes over the use of solar energy.

11-7-6. Permits Required. -

(a) A solar permit shall be granted only after an application for solar access permit has been submitted to the Department of Planning. A permit application for a solar right shall consist of the following information:

1. a completed Solar Rights Access Permit application;
2. a review fee of \$25.00;
3. the names and mailing addresses of adjoining property owners;
4. a site plan drawn to scale showing the following detail:
 - (i) owner's name, legal description, street address of the site, and use of the structure(s);
 - (ii) north arrow, scale, and date of preparation;
 - (iii) names of all adjacent streets;
 - (iv) dimensions of the property;
 - (v) dimensions, height and location of all structures on the site;
 - (vi) location, height and type of all trees, bushes and shrubs on the south side of the site and estimated height at full growth;
 - (vii) location and height of all walls and fences on the south side of the site;
 - (viii) dimensions and location of solar collector surface;
 - (ix) direction in which collector is oriented;
 - (x) height of collector above ground level;
 - (xi) signature block for Planning Director;
 - (xii) degree line from base of collector, as measured above the horizon.

(b) The application for a solar rights permit, along with the required fee, shall be filed on forms provided by the Department of Planning.

(c) The Department of Planning shall either grant or deny the solar rights permit within 10 days of the date that all required submissions by the applicant have been made.

(d) After a decision has been rendered within the 10 days provided above, the Department shall notify both the applicant and surrounding property owners by letter, advising them of the decision as well as their rights of appeal.

(e) The decision of the Department of Planning may be appealed to the Board of Adjustment by any person or agency affected by such decision. Any such appeal shall be taken within 15 days from the date of the action appealed from by filing a written notice of appeal with the Department of Planning, which notice shall specify the grounds for the appeal and contain a list of the property owners immediately adjacent to the property. Forms shall be provided for this purpose. Upon receipt of a notice of appeal, the Department of Planning shall transmit to the Board of Adjustment the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action appealed from was taken.

(f) Rules and procedures for effecting an appeal shall conform to Section 4-5-4 of the Lander Municipal Code.

(g) The Department of Planning shall hold the solar rights permit for the 15 day appeal period.

(h) Once the permit is approved, the approved permit application and site plan permit shall be recorded with the Fremont County Clerk's Office by the applicant within 10 days after the 15 day appeal period has expired. The applicant must submit to the Department of Planning a copy of the application showing the Clerk's recording date, book and page number of recording within 30 days form the date the appeal period expired. The application and site plan become official after being recorded in the County Clerk's Office.

(i) A solar collector shall be put to beneficial use within two years, and a solar right not applied to a beneficial use for a period of five years shall be deemed abandoned.

(j) The permit holder, within 30 days after the solar collector is first put to a beneficial use, shall notify the Department of Planning and provide such proof of beneficial use as the Department requires, after which the Department of Planning shall certify such beneficial use by endorsing the same upon the permit.

11-7-7. Non-conforming Use and Existing Solar Collectors. -

(a) Structures or vegetation which existed prior to the time of installation of the solar energy collection system or the effective date of this Chapter shall not be subject to the requirement of this Chapter.

(b) Existing solar collector users at the effective date of this ordinance who wish to receive a priority date for their solar rights as of the first date such solar collector was beneficially used shall apply for a permit as required by Section 11-7-7 within five years after the effective date of this Chapter.

11-7-8. Definitions. -

(a) "**Solar collector**" is one of the following which is capable of collecting, storing or transmitting at least 25,000 BTU's on a clear winter solstice day:

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

2. a greenhouse attached to another structure and designed to provide part or all of the heating load for the structure to which it is attached;

3. a trombe wall, drum wall, or other wall or roof structural element designed to collect and transmit solar energy into a structure;
4. a photovoltaic collector designed to convert solar energy into electric energy;
5. 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;
6. a massive structural element designed to collect solar energy and transmit it to internal spaces for heating; or
7. other devices or combination of devices which rely upon sunshine as an energy source.

(b) "**Solar right**" is 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 these regulations. No solar right is protected by this Chapter for the period of time before 9:00 a.m. or after 3:00 p.m., Mountain Standard Time, or to a solar collector or portion as which would be shaded by a ten foot wall located on the property line on a winter solstice day.

(c) "**Winter Solstice Day**" is 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.

(Sections 11-7-1 through 11-7-8 were adopted by Ordinance 732, effective 9-10-82.)

11-8-1. Installation and Use of Heating Stoves. - No person, after the effective date of this ordinance and within the City limits, shall install for use, a wood or coal burning device, stove or heater which has not be certified, according to Federal Regulation 40 CFR Par 60, Standards of Performance for New Stationary Sources, effective date 7-1-88. *(Section 11-8-1 adopted by Ordinance 820, effective 5-24-88.)*

11-9-1. Definitions. -

a) Street trees: "**Street trees**" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, ways or alleys within the City.

b) Park trees: "**Park trees**" are herein defined as trees, shrubs, bushes and all other woody vegetation in parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

c) **Public Community Forest** – Public community forest is defined as all street and park trees and other trees owned by the City as a total resource.

d) **Private Community Forest** – Private community forest is defined as all trees within municipal boundaries, excluding public community forest trees.

e) **Community Forest Manager** – The community forest manager is defined as the official (public employee) representative of the Urban Forest Council and as such is responsible for administration of the community forestry program. The Lander Parks and Recreation Director shall be the Community Forest Manager. (*Section 11-9-1 amended by Ordinance 1015, effective 6/6/99*)

11-9-2. Tree Sizes and Species. - The following tree size classification shall apply in subsequent sections:

Small tree: up to 25 feet projected height at maturity.

Medium tree: 25 feet - 40 feet projected height at maturity.

Large tree: over 40 feet projected height at maturity.

New planting of nuisance species as determined by Urban Forest Council shall be prohibited. (*Section 11-9-2 amended by Ordinance 1015, effective 6/6/99*)

11-9-3. Distance from Street Corners and Fireplugs. - No "street trees" shall be planted closer than 20 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No "street tree" shall be planted closer than 10 feet of any fireplug.

11-9-4. Distance from Curb and Sidewalk. - There shall be no trees planted on public rights-of-way for streets or alleys. (*Section 11-9-4 amended by Ordinance 1015, effective 6/6/99*)

11-9-5. Public Tree Care. - The City shall have the right to plant, prune, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure safety when servicing City utilities or to preserve the symmetry and beauty of such public grounds. The City may, at its option, when advised by the City Urban Forest Council, remove or cause or order to be removed any tree or part thereof which is an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements or is infected with any injurious fungus, insect or other pest which, in the opinion of the Urban Forest Council, may constitute a severe threat to other trees in the area.

11-9-6 Pruning: Corner Clearance: Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so such branches shall not obstruct the light from any street lamp or obstruct the view from any street intersection and so that there shall be a clear space of 12 feet above the surface of the street or right-of-way. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute hazard to the safety of the public. The City shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street when it interferes with the visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.

11-9-7. Adjacent Landowners Responsibility - No person other than city employees or their designees shall plant, remove, cut above the ground, or disturb any tree on any street, park or other public place.

11-9-8. Tree Topping. - It shall be unlawful as a normal practice for any person, firm or city department to top any Street Tree, Park Tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Urban Forest Council.

11-9-9 Dead, Diseased or Hazard Trees on Private Property – The City shall advise private land owners as to the proper way to remove any dead or diseased trees on private property within the City, when such trees constitute a severe threat to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City shall have the right to cause to be removed any Public Community Forest or Private Community Forest Tree within the City limits that is diseased or has been declared a hazard. Hazard trees are defined as trees with severe structural defects, splits, dead or damaged parts. The City will notify, in writing, the owners of such trees. Removal or pruning is the responsibility of the owners of such trees and shall be accomplished within time limits set by the City.

The property owner may appeal the order of the City in writing to the City Governing Body within ten days after the date of such order. The City Governing Body shall, within ten days after the receipt of the written appeal, set the matter for hearing and notify the property owner of the time and date of such hearing, at which the property owner may be present or represented by counsel. Said hearing shall be conducted pursuant the Wyoming Administrative Procedures Act. At such hearing, the City Governing Body will review the order of the City and unless the order is revoked or modified, it shall remain in full force and be obeyed by the property owner.

If the property owner fails to comply with the final order within ten days after the mailing of the order, then the City may cause such live or dead tree, shrub, overhanging bough or hedge to be removed or destroyed and shall assess the expense thereof against the property owner.

- (a) The provisions of this section shall not apply in cases of emergency. Cases of emergency are defined as conditions which pose an immediate safety or health hazard

to the public. (*Sections 11-9-4 – 11-9-9 amended by Ordinance 1015, effective 6/6/99*)

11-9-10. - Trees already in place and growing at the date of this Ordinance shall be exempt from Section 3, 4 and 5. However, any replacement trees shall be governed by those sections.

11-9-11. Arborists License and Bond. - It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Public Community Forest or Private Community Forest Trees within the City without first applying for and procuring a license. Prior to obtaining a license they must show certification from the International Society of Arboriculture. Proof of such certification shall be filed with the City. Existing license holders without ISA certification must show proof of certification upon next renewal. Unlicensed persons may work for a company that has a licensed person on staff or in the company. Arborist shall adhere to ANSI A300 COMMON PRUNING PERFORMANCE STANDARDS and refrain from unsound trimming practices, such as stubbing or topping trees. Unsound practices are subject to review by the City Urban Forest Council and the Community Forest Manager. Suspension or revocation of an arborist's license is possible.

The license fee shall be \$25.00 annually in advance, provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any such license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

11-9-12 – Interference with City Urban Forest Council - It shall be unlawful for any person to prevent, delay or interfere with the City **Urban Forest Council**, or any of their agents or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any “street trees”, “park trees” or trees on private ground, as authorized in this Ordinance. The City may at its option, when advised by the City Urban Forest Council cause removal of diseased trees on private property.

11-9-13 – Review by Governing Body – The Governing Body of the City of Lander shall have the right to review the conduct, acts and decisions of the City **Urban Forest Council**. Any person may appeal from any ruling or order of the City **Urban Forest Council** to the Governing Body who may hear the matter and make final decision. (*Sections 11-9-11 – 11-9-13 amended by Ordinance 1015, effective 6/6/99*)

11-9-14. Penalty. - Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty, punished as provided in City Code Section 1-2-1.

11-9-15. Conflict with Other Ordinances. - In the event anything contained in this Ordinance 854 is at variance or conflicts with any other City ordinance in effect at the time of the passage of this ordinance, and particularly the city's zoning ordinances, then this ordinance shall be deemed subservient thereto and the other ordinance or ordinances shall control.

11-9-16. Date of Effect. - This Ordinance will take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

11-10-1. Definitions. - for the purpose of this ordinance, the following terms, phrases, words and their derivation shall have the meaning given herein.

a) **Historic Vehicle Collection** - One or more vehicles of historic value, special interest vehicle, parts cars, street rods or kit cars, containing the characteristics set forth below, which are collected, restored or maintained for non-commercial hobby or historical purpose.

(i) **Historic Value** - shall mean a vehicle meeting one of the following criteria:

- 1) A motor vehicle manufactured in the year 1922 or prior thereto; or
- 2) A vehicle which was manufactured after 1922, is at least 25 years old and is of historic interest as defined in Wyoming Statute 31-1-101 (a)(xv)(A).

(ii) **Special Interest Vehicle** - A vehicle of any age which is unaltered from the manufacturers' original specification and because of its significance, such as an out-of-production vehicle, is being collected, preserved, restored or maintained by a hobbyist as a leisure pursuit.

(iii) **Parts Car** - A motor vehicle which is owned by a collector to furnish parts for restoration or maintenance of a special interest vehicle or a vehicle described in subsection (a)(i) above, thus enabling a collector to preserve, restore and maintain a special interest vehicle or a vehicle described in subsection (a)(i) hereof.

(iv) **Street Rod** - differs from a vehicle of historic value in that the street rod is materially altered, utilizes modern or semi-modern engine, chassis, electric or other operating components not produced as part of the original pre-1969 vehicle.

(v) **Kit Car** - A vehicle assembled from a manufactured kit. It may be a replica of a vehicle originally made by another manufacturer.

b) **Collector** - The owner of one or more vehicles described in subsection (a), who collects, purchases, acquires, trades or deposes of such vehicle or parts thereof, for his own use, in order to preserve, restore and maintain such vehicle for hobby or historical purposes.

c) **Inoperative Vehicle** - shall mean any motor vehicle which cannot be operated lawfully on a public street or highway within the state for any reason other than the lack of current vehicle registration or which cannot be moved under its own power, but excludes an historic vehicle collection as defined herein.

d) **Screened from Ordinary Public View** - shall mean in a manner which does not constitute a health hazard and is located away from public view, or screened from ordinary public view, by means of a suitable fence, trees, shrubbery, opaque covering or other appropriate means.

e) **Driveway** - means that portion of land in private ownership which is improved, designated or ordinarily used for vehicular parking on a day to day basis which complies with the requirements of city ordinance 4-11-10 but shall exclude areas used for permanent parking or storage.

11-10-2 - Keeping or Parking Prohibited When:

a) A person shall not keep, store, park or maintain or otherwise permit any vehicle or any component thereof in areas zoned S-R, R-1, R-2, R-3, R-4, R-5 or R-MED, in the front yard, corner side yard and any additional area of a lot or parcel of land situated between the street and any building or structure located thereon, unless screened from ordinary public view, except for the parking of vehicles, except inoperable vehicles, on a driveway is permitted.

b) A person shall not keep, store, park, maintain or otherwise permit an inoperative vehicle, as defined in Section 11-10-1(c), in an S-R, R-1, R-2, R-3, R-4, R-5 or R-MED zone. unless screened from ordinary view. Inoperative vehicles in non-compliance with the provision hereof shall be removed within 30 days from the effective date hereof and thereafter within five (5) days of notice as provided for in section 11-10-4. *(Section 11-10-2 (a) & (b) amended Ordinance 930, effective 6-20-94)*

c) Notwithstanding the above, a person may keep and maintain an historic vehicle collection, provided the city building inspector finds it to be in full compliance with Section 11-10-3 hereof.

11-10-3. Historic Vehicle Collection - Review Standards and Condition -

a) In addition to the principles and standards contained in Section 11-10-2, the Building Inspector shall ensure that an application for an Historic Vehicle Collection shall also comply with all of the following standards and conditions and the owner of said vehicle shall at all times ensure compliance with the following standards and conditions:

- 1) That all such vehicles and parts kept or maintained on the premises constitute an Historic Vehicle Collection as defined in section 11-10-1(a) hereof; and

- 2) That all such vehicles and parts are legally owned by the applicant proposing to keep or maintain an Historic Vehicle Collection; and
- 3) That the area proposed on the lot or parcel of land for the collection of such vehicles occupies or constitutes less than ten percent (10%) of the total area of said lot or parcel of land; and
- 4) That said collection is kept or maintained so as not to constitute a health or safety hazard; and
- 5) That said collection is fully screened from ordinary public view in a manner determined by the Building Inspector; and
- 6) That no portion of an Historic Vehicle Collection is located within five (5) feet of any building or structure or within any required yard area, unless otherwise permitted by the Building Inspector, together with the payment of an annual fee of \$50.00 per site plan; and
- 7) That site plans for the keeping and maintenance of the Historic Vehicle Collection have been submitted to and approved by the Building Inspector; and
- 8) That the person proposing to keep or maintain an Historic Vehicle Collection has signed a covenant and agreement indicating that he or she has read and understands the standards and conditions enumerated above and such other conditions that the Building Inspector may impose, and will faithfully abide by each and every one of said standards and conditions.

b) In those cases where the site plans submitted by the applicant desiring to establish an Historic Vehicle Collection indicate that said plans are not, or cannot be, in full compliance with subsection (a) of this section, the Building Inspector shall deny such application and shall inform the applicant in writing of such action.

11-10-4. Removal of Vehicles, Costs of Removal, Sale and Appeal Procedure

a) The Chief of Police or Building Inspector, upon determining that a violation of Section 11-10-2 or 11-10-3 hereof exists, shall notify the owner of the property upon which the violation exists of the violation, by sending written notice to the owners last known address as shown on the records of the County Assessor or by personal delivery of the notice to the owner of the property.

b) The notice shall contain the request for removal within five (5) days, and the notice shall advise that upon failure to comply with the notice to remove, the City or

its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property.

c) Request for Hearing - The persons to whom the notices are directed, or their duly authorized agents may file a written request with the City Clerk for hearing before the City Council of the City of Lander, or its designees within the five (5) day period of compliance prescribed in subsection (b) above for the purpose of defending the charges by the City.

d) Procedure for Hearing - the hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of said hearing at least five (5) days in advance thereof. At any such hearing the city and the persons to whom the notices have been directed may introduce such witnesses and evidence as either party deems necessary.

e) If within five days after notice has been given, the violation continues, or in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of a violation is offered by the counsel of the City of Lander, the Chief of Police or the Building Inspector will cause the offending vehicle(s) to be removed at the owners and property owners expense.

f) Notice of Removal - Within forty-eight (48) hours of the removal of such vehicle, the chief of Police or Building Inspector, shall give notice by certified mailing to the registered owner and lien holder of such vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed, that said vehicle, or vehicles, has been impounded and stored for violation of this Ordinance. The notice shall give the location of where the vehicle, or vehicles, is stored, and the costs incurred by the City for removal.

g) Disposition of Vehicles - Any vehicle removed by the city under the provisions of this Ordinance may, after the expiration of thirty (30) days have passed after Notice of Removal has been given, be sold by the Sheriff in accordance with the provisions of the Wyoming Statues on abandoned vehicles.

h) Redemption of Impounded Vehicles - The owner of any vehicle seized under the provisions of this ordinance may redeem such motor vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the City Treasurer of such sum as he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, plus \$2.00 dollars per day for storage for each motor vehicle redeemed.

i) Liability of Owner or Occupant - Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the City to pay the unrecovered expenses incurred by the city in such removal, a lien shall be placed upon the property for the amount of such expenses. (*Section 11-10-1 - 11-10-4 created by Ordinance 874, effective 2-11-92.*)

11-11-1. - Reimbursement for damage to Main Street Improvements, including but not limited to, sidewalks, patterned sidewalk, double gutter driveway entrances, lights, light poles, trees, tree guards, drip irrigation system or benches, bike racks and trash receptacles, refusal, assessment of costs.

- (a) Any person who, whether intentionally or otherwise, causes damage to any portion of the Main Street Improvements as above defined shall immediately notify the City Building Inspector and arrange for and pay the costs to restore the damaged item(s) to original condition prior the damage and in accordance with the original construction specifications and Record Drawings as filed with the City Building Inspector. Damage to sidewalks shall include surface deterioration, color distortion or other damage resulting from snow plowing or other practices. Restoration of sidewalks shall include integral coloring, textured patterning, broom finishing and jointing to original color and condition. Replacement of injured trees shall be made with the size and species of tree in place at the time injury was caused.
- (b) In the event any person fails or refuses to comply with the provision of Section (a) hereof within ten (10) days after receipt of notice from the City, the City, through its representative, may cause the same to be restored and assess the costs therefore against the person causing such damage. If such costs are not paid within the next thirty (30) days of mailing the notice, they shall draw interest at the rate of 12% per annum. Such costs and expenses, together with interest and costs of collection, including a reasonable attorney's fee, may be collected by civil action filed in the name of the City against the person causing the damage. This remedy shall be in conjunction with any other remedy provided for by law. (*Section 11-11-1 created by Ordinance 913 effective 11-15-93.*)

11-12-1 Mayoral Jurisdiction – Five Miles - The Mayor, subject to the approval of the Council, shall have the following jurisdiction:

- (i) Over all places within five (5) miles of the corporate limits of the City of Lander for the enforcement of health, or quarantine ordinance and regulation thereof; and
- (ii) In all matters excepting taxation within one-half (1/2) mile of the corporate limits of the City of Lander. (*Section 11-12-1 created by Ordinance 1071 effective 9-7-04*)