

THERMOPOLIS MUNICIPAL CODE



**CODIFIED
JANUARY 2021**

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**CODE OF THE TOWN
OF
THERMOPOLIS, WYOMING**

MAYOR	Michael Chimenti
COUNCILMAN.....	Tony Larson
COUNCILMAN.....	John Dorman Sr.
COUNCILMAN	William H. Malloy
COUNCILMAN	Dusty Lewis
TOWN CLERK	Tracey Van Heule
CHIEF OF POLICE	Julie Mathews
ASSISTANT TO THE MAYOR	Fred Crosby
TOWN ATTORNEY.....	Messenger Law Firm

Effective January 1, 2021

PREFACE

This volume constitutes the sixth codification of the general ordinances of the Town of Thermopolis, Wyoming. It contains such of the ordinances of a general and permanent nature passed prior to July 1, 2021 as were found desirable for retention. The ordinances were recodified by Messenger Law Firm.

For the user's convenience, each chapter is preceded by a table of contents. The index at the end of the Code provides subject-by-subject access. Cross references to Wyoming state law, and to other applicable Code sections, are footnoted at the bottom of the page. And finally, each Code section contains a parenthetical reference to its parent ordinance, or to the most recent amendatory ordinance.

This recodification, effective January 1, 2021, covers the ordinances of the Town of Thermopolis, through Ordinance No. 860, passed on December 15, 2020.

THE TOWN CODE OF THE TOWN OF THERMOPOLIS, WYOMING

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CHAPTER 1.

GENERAL PROVISIONS

- § 1-101. How Code designated and cited.
- § 1-102. Code is continuation of existing law.
- § 1-103. Catchlines of sections.
- § 1-104. Severability.
- § 1-105. Definitions and rules of construction.

Sec. 1-101. How Code designated and cited.¹

The ordinances contained herein shall constitute and be designated as "The Code of the Town of Thermopolis, Wyoming," and may be so cited. The Code may also be cited as the "Thermopolis Town Code."

Sec. 1-102. Code is continuation of existing law.

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

Sec. 1-103. Catchlines of sections.

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

Sec. 1-104. Severability.

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

Sec. 1-105. Definitions and rules of construction.

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 Town Council, the context clearly requires otherwise, or a different definition is provided:

- (a) Adult -- A person who is not a minor. (Ord. No. 554, 4/3/29, 2)
- (b) Bond -- When a bond is required, an undertaking in writing shall be sufficient.

¹ As to authority of municipalities to codify ordinances, see Wyo. Stat. §15-1-103(a)(xxxviii); as to manner and form of enactment, see Wyo. Stat. §15-1-115; as to effective dates and publication of ordinances and publication of codification, see Wyo. Stat. §15-1-116.

(c) 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; and if the last day is Sunday, that day shall be excluded.

(d) County -- The word "County" means the County of Hot Springs, in the State of Wyoming.

(e) Gender -- Words importing the masculine gender include the feminine and neuter.

(f) Governing Body -- The Mayor and Town Council.²

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

(h) Joint authority -- All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(i) Majority -- When used in the context denoting age, means that period of time when a person is an adult. (Ord. No. 554, 4/3/29, 2)

(j) Minority -- When used in the context denoting age, means a person who has not yet reached the 21st anniversary of his or her birth. (Ord. No. 652, 6/21/88, 1)

(k) Month -- A calendar month.

(l) Number -- Words used in the singular include the plural and words used in the plural include the singular.

(m) Or, and -- The word "or" may be read as "and", and the word "and" as "or", where the sense requires it.

(n) 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."

² For the statutory definition of "Governing Body," see Wyo. Stat. §15-1-101(a) (vi).

(o) Owner -- When applied to a building or land, shall include not only the owner of the whole, but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such building or land, and shall include any agent of such owner, and where such owner is a body corporate, it shall include the managing agent or officer within the city.

(p) Person -- Includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

(q) Personal property -- Includes every species of property, except real property.

(r) Preceding, following -- Next before and next after, respectively.

(s) Property -- Includes real, personal and mixed property.

(t) Real property -- Includes lands, tenements and hereditaments.

(u) Shall, may -- The word "shall" is mandatory; the word "may" is permissive.

(v) Sidewalk -- Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(w) Signature, subscription -- Include a mark when the person cannot write, when his name is written near such mark and is witnessed by a person who writes his own name as a witness.

(x) State -- The State of Wyoming.

(y) Street -- Includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto, and all other public thoroughfares in the Town.

(z) Tenant, occupant -- Applied to a building or land, meaning any person who occupies the whole or a part of such building or land, whether alone or with others.

(aa) Time -- Words used in the past or present tense include the future as well as the past and present.

(bb) Town -- The Town of Thermopolis, Hot Springs County, Wyoming.

(cc) Town Council or Council -- The town council of the Town of Thermopolis, Wyoming.

(dd) Writing, written -- Include typewriting, printing on paper and any other mode of representing words and letters.

(ee) Year -- A calendar year.

CHAPTER 2.

ADMINISTRATION

Article I. In General.

- § 2-101. Meetings of the Town Council.
- § 2-102. Same -- Attendance may be compelled.
- § 2-103. Same -- Absence as cause for removal.
- § 2-104. Same -- Same -- Notice and hearing.
- § 2-105. Same -- Mailing address to be provided.
- § 2-106. Ordinances -- Majority vote required.
- § 2-107. Corporate seal.
- § 2-108. Appointment of Town officers.
- § 2-109. Same -- Term of appointment.
- § 2-110. Same -- Role of Town Administrator.
- § 2-111. Same -- Conflicting statutes not applicable.
- § 2-112. Compensation of the governing body.

Article II. Town Administrator.

- § 2-201. Establishment of position.
- § 2-202. Qualifications.
- § 2-203. Compensation.
- § 2-204. Functions and duties.
- § 2-205. Relationship to Mayor and Town Council.

Article III. Uniform Municipal Fiscal Procedures Act.

- § 2-301. Accumulation of retained earnings -- Restrictions on expenditures.
- § 2-302. Reserve for capital improvements.
- § 2-303. Expenditures or encumbrances in excess of appropriation forbidden.
- § 2-304. Transfer of unencumbered or unexpended appropriation balance.
- § 2-305. Increase of general fund budget by resolution.
- § 2-306. Emergency expenditure in excess of general fund.
- § 2-307. Creation of cash reserve account -- Expenditures therefrom -- Accumulation of balance.
- § 2-308. Conflicting statutes not applicable.
- § 2-309. Fiscal year.

ARTICLE I. IN GENERAL

Sec. 2-101. Meetings of the Town Council.³

(a) Except as hereinafter provided, there shall be one regular meeting of the Mayor and Town Council (hereinafter "governing body") held each month on the first Tuesday of the month at the hour of 7:00 p.m. at the Town Hall; and as may be necessary there is established a second regular meeting of the Town Council to be held on the third Tuesday of each month at the hour of 7:00 p.m. at the Town Hall. (Ord. 817 10/20/2009, 1)

(b) Subject to notice given as required by law, the governing body, acting by and through the Mayor, may direct administration to modify both the day and the time of either meeting to take place at a different day and/or at a different time as circumstances may dictate, given holidays, availability of Mayor and/or Council members and such other circumstances such that the governing body may conveniently and properly conduct the business of the Town. Further, subject to any notice as may be required by law, the governing body may hold work sessions to discuss, without making any decisions, matters for which the governing body requires additional or detailed information; and in addition, such work sessions can include retreats to discuss short term and long term goals and policies of the governing body. (Ord. No. 817 10/20/2009, 2)

Sec. 2-102. Same -- Attendance may be compelled.

(a) The attendance of any member of the Council who shall be absent from any meeting of the Council without reasonable excuse may be compelled by order of the Council, and two members of the Council shall be sufficient to make such order.

(b) It shall be the duty of the Chief of Police to execute the order provided for in Subsection (a) above, and bring such absent member before the Council. (Ord. No. 608, 8/23/83, 1, 2)

Sec. 2-103. Same -- Absence as cause for removal.

Gross and persistent delinquency in being absent from meetings is a cause for removal of any member of the Governing Body from his office, and absence from three consecutive meetings without reasonable excuse shall be evidence of such delinquency. Any member anticipating being absent from a council meeting shall contact the office of

³ As to regular public meetings, see Wyo. Stat. §15-1-105 and §16-4-404; as to requirement that no action be taken except at public meetings, see Wyo. Stat. §16-4-403; as to notice requirements for special meetings, see Wyo. Stat. §16-4-404; as to requirement that minutes be published, see Wyo. Stat. §15-1-110.

the Town Administrator and inform the staff of the date on which the member will be absent and the reason why. (Ord. No. 608, 8/23/83, 3)

Sec. 2-104. Same -- Same -- Notice and hearing.

(a) If the Council has determined that a member should be removed from office for good cause, the Council shall issue a notice to such member. The notice shall be served by certified mail to the address provided to the Clerk/Treasurer by such member. The notice shall include a short and plain statement of the charges asserted and a statement advising the member that an opportunity for a hearing will be afforded if requested in writing by the member within ten (10) days of receipt of the notice. As soon as practicable, the Council shall set a time, place and date for a requested hearing. Proof of service of the notice to the member shall be certified at the time of service by a written declaration under oath executed by the person effecting service, declaring the time, date and manner in which service was made.

(b) The hearing shall be held in accordance with the contested case proceedings of the Wyoming Administrative Procedure Act. (Ord. No. 608, 8/23/83, 4, 5)

Sec. 2-105. Same -- Mailing address to be provided.

The Mayor and members of the Council shall provide the Clerk/Treasurer with a current mailing address when elected to office and shall afterwards notify the Clerk/Treasurer of any change of address. (Ord. No. 608, 8/23/83,6)

Sec. 2-106. Ordinances -- Majority vote required.⁴

All Ordinances and resolutions, or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of the majority of all the members elected to the Council. (Ord. No. 354, 10/4/48, 4)

Sec. 2-107. Corporate seal.⁵

A seal, the impression of which shall be in a circular form bearing the word "Seal" in the center, and surrounded on the edge with the words, "Town of Thermopolis,

⁴ As to form and manner of enactment and vote requirements for passage of municipal ordinances, see Wyo. Stat. §15-10115; as to requirements for publication of municipal ordinances, see Wyo. Stat. §15-1-116; as to amendment and repeal of municipal ordinances, see Wyo. Stat. §15-1-117.

⁵ As to authority of municipalities to have and use a common seal, see Wyo. Stat. §15-1-103(a)(ii).

Wyoming" shall be and the same is hereby adopted as the Seal of the Town of Thermopolis. (Therm. Rev. Ord. 1910, 1-1)

Sec. 2-108. Appointment of Town Officers.⁶

(a) The Town Administrator, Town Attorney, Town Clerk/Treasurer, Chief of Police, Municipal Judge, shall be appointed, and may be removed by the Mayor with the approval of the Council. Such approval shall require a majority vote of the elected members of the Council. (Ord. No. 752, 2/20/01)

(b) A position is hereby created within the Town of Thermopolis and shall be entitled Director of Public Works. The duties and qualifications of the Director of Public Works shall be as set forth pursuant to the Personnel Policies of the Town of Thermopolis and on file in the office of Town Hall. (Ord. No. 662, 2/16/89, Ord. No. 752 2/20/2001)

Sec. 2-109. Same -- Term of appointment.

Appointments for the positions listed in Section 2-108 above may be for a specified term, and if a term is specified, the appointment shall automatically terminate at the expiration of the term, making removal unnecessary. (Ord. No. 602, 12/7/82, 3)

Sec. 2-110. Same -- Role of Town Administrator.

The Town Administrator has the authority to recommend the appointment and removal of the Town Officers listed in Section 2-108 above, which recommendations shall be based upon the Town's best interests. (Ord. No. 602, 12/7/82, 4)

Sec. 2-111. Same -- Conflicting statutes not applicable.

Provisions of Section 15-2-102 of the Wyoming Statutes in conflict with the provisions of this Article shall not be applicable to the Town of Thermopolis. (Ord. No. 602, 12/7/82, 1)

Sec. 2-112 Compensation of the Governing Body.

(a) Salaries for the Governing Body are established as follows:

(i) The salary for the Mayor shall be increased to \$6,000.00 per year and paid at \$500.00 per month. (Ord. No. 838 12/16/2014, 1)

⁶ As to appointment and removal of officers and employees, see Wyo. Stat. §§15-1-103(a)(xxxvii) and 15-2-102; as to appointment of a municipal judge, see Wyo. Stat. §5-6- 103. Ordinance No. 602 was a charter ordinance.

(ii) The salary for the Council members elected in November 2014, and elected or appointed thereafter, shall be increased from \$25.00 for actual attendance at each regular or special meeting to \$50.00 for actual attendance at each regular or special meeting and contested hearing. (Ord. No. 838 12/16/2014, 1)

(b) Any Ordinance in conflict is hereby repealed. (Ord. No. 838 12/16/2014, 2)

ARTICLE II. TOWN ADMINISTRATOR

Sec. 2-201. Establishment of position.

There is hereby created and established the position of Town Administrator of the Town of Thermopolis. (Ord. No. 546, 1/3/78, 1)

Sec. 2-202. Qualifications.

The Town Administrator shall be selected solely on the basis of his executive and administrative qualifications with special reference to training and experience. At the time of his appointment he need not be a resident of the Town or the State, but within a reasonable time following his appointment, he shall move to the Town, and shall thereafter reside in the Town during his tenure. (Ord. No. 546, 1/3/78, 2)

Sec. 2-203. Compensation.

The Town Administrator shall be compensated for his services as the Council may from time to time determine. (Ord. No. 546, 1/3/78, 2)

Sec. 2-204. Functions and duties.

(a) The Town Administrator shall be the Chief Administrative Officer of the Town government, and shall be responsible to the Mayor and Town Council for the proper administration of all affairs of the Town placed in his charge.

(b) The Town Administrator shall have the following functions and duties:

(i) To supervise the administration of the enforcement of all laws and ordinances of the Town, save and except to the extent that the administration of such enforcement is confined to other Town officers by the Wyoming Statutes.

(ii) To be responsible to the Town Council for the administration of all departments of the Town, save and except those departments confined to the supervision of other Town officers by the Wyoming Statutes; and to cooperate with

and supervise the administrative functions of such departments to the extent requested or delegated by the Town officers having primary responsibility for the operation of such departments.

(iii) To issue such administrative regulations and outline general administrative procedures applicable to areas and departments assigned to his supervision, in the form of rules which are not in conflict with the laws of the State of Wyoming or other Town ordinances.

(iv) To prepare, in cooperation with the Town Treasurer, an annual budget and submit the same to the Mayor and Town Council.

(v) To keep the Mayor and Town Council fully informed as to the financial condition of the Town.

(vi) To recommend to the Mayor and Town Council for adoption such measures as he may deem necessary or proper for the efficient and proper operation of the Town and to attend all Council meetings.

(vii) To prepare and submit to the Mayor and Town Council an annual report of the Town's affairs, including a summary of the reports of the operation of all Town departments.

(viii) Subject to the requirements of statutes and ordinances and in accordance with rules and regulations now or hereafter promulgated by the Town Council, to purchase materials and authorize expenditures of funds on behalf of the Town, in conjunction and cooperation with the Town Clerk and Treasurer.

(ix) To perform such other duties as may be prescribed by ordinance or by direction of the Mayor and Town Council. (Ord. No. 546, 1/3/78, 3, 6)

Sec. 2-205. Relationship to Mayor and Town Council.

The Mayor and Town Council shall deal with that portion of the administrative service of the Town for which the Town Administrator is responsible through the Office of the Town Administrator. Directives issued by the Mayor and Town Council concerning policies or operations of the Town affecting the area of responsibility of the Town Administrator in the administration of any of these departments shall be made so as to direct the Town Administrator to accomplish the necessary orders. (Ord. No. 546, 1/3/78, 7)

ARTICLE III. UNIFORM MUNICIPAL FISCAL PROCEDURES ACT.

Sec. 2-301. Accumulation of retained earnings -- Restrictions on expenditures.

The Town may accumulate retained earnings in any enterprise fund or a fund surplus in any other fund pursuant to W.S. §16-4-105 (1982). In the general fund, the accumulated fund balance may be used to meet any legal obligation of the Town, to provide cash to finance expenditures from the beginning of the budget year until revenues are collected, or to provide a reserve to meet emergency expenditures. (Ord. No. 597, 6/8/82, 1) ⁷

Sec. 2-302. Reserve for capital improvements.

Pursuant to Wyo. Stat. §16-4-105(b) (1982), the Town may appropriate from estimated revenue in any budget year to a reserve for capital improvements. Money in the reserves may be allowed to accumulate from year to year until the accumulated total is sufficient to permit economical expenditure for special capital improvements. Disbursements from reserves shall be made only by transfer to a revenue account within a capital improvements fund pursuant to an appropriation for the fund. (Ord. No. 597, 6/8/82, 2)

Sec. 2-303. Expenditures or encumbrances in excess of appropriation forbidden.

No officer or employee of the Town shall make any expenditure or encumbrance in excess of the total appropriation for any department. (Ord. No. 597, 6/8/82, 3)

Sec. 2-304. Transfer of unencumbered or unexpended appropriation balance.

At the request of the Town Administration or Clerk/Treasurer, or upon its own motion, the Governing Body of the Town may by resolution transfer any unencumbered or unexpended appropriation balance or part thereof from one fund, department, or account to another. Notice of the impending action shall be published before adoption of the resolution. (Ord. No. 597, 6/8/82, 4)

Sec. 2-305. Increase of general fund budget by resolution.

As authorized by Wyo. Stat. §16-4-113 (1982), the budget of the general fund may be increased by resolution of the Governing Body. The source of the revenue, whether unanticipated, unappropriated surplus, donations, or other, used to increase the

⁷ Ordinance No. 597 is a charter ordinance passed under the authority given by the Wyoming Constitution, Article 13, Section 1(c).

appropriation shall be shown. The total budget appropriation shall not exceed anticipated revenues for the budget year. (Ord. No. 597, 6/8/82, 5)

Sec. 2-306. Emergency expenditure in excess of general funds.

If the Governing Body of the Town determines an emergency exists and an expenditure in excess of the general fund is necessary, it may make the expenditure from the accumulated fund surplus in the general fund. Notice of declaration of an emergency shall be published in a newspaper of general circulation. (Ord. No. 597, 6/8/82, 6)

Sec. 2-307. Creation of cash reserve account -- Expenditures therefrom -- Accumulation of balance.

A cash reserve account is hereby created which may be used by the Governing Body to meet unanticipated or emergency expenditures. Such expenditures shall be made only upon motion by the Council. If not used during the fiscal year, any balance may be accumulated in the general fund surplus or may be transferred to the reserve for capital improvements. (Ord. No. 597, 6/8/82, 7)

Sec. 2-308. Conflicting statutes not applicable.

Provisions of Article 2, Title 15, Wyoming Statutes, in conflict with this Article shall not be applicable to the Town of Thermopolis. (Ord. No. 597, 6/8/82, 8)

Sec. 2-309. Fiscal year.

In accordance with the Wyoming Uniform Municipal Fiscal Procedures Act, the annual period for recording fiscal operations shall begin on July 1 and end on June 30 of each year, as of July, 1986. (Ord. No. 525, 5/7/85, 2)

CHAPTER 3.

ALCOHOLIC BEVERAGES.

Article I. Licenses and Hours of Operation

- § 3-101. Retail liquor license.
- § 3-102. Limited retail liquor license.
- § 3-103. Restaurant liquor license.
- § 3-104. Transfer of liquor license.
- § 3-105. Operating hours – limited retail liquor licensees. (Repealed)
- § 3-106. Operating hours – other licensees.
- § 3-107. Bar and grill liquor license.
- § 3-108. Microbrewery and winery permit.
- § 3-109. 24 hour malt beverage permit for microbreweries.
- § 3-110. Permit application and permit forms.
- § 3-111. Attendance at Town Council and date of application.
- § 3-112. Permit Fee.

Article II. General Regulations.

- § 3-201. Definitions.
- § 3-202. Sale or delivery to habitual drunkard or incompetent person.
- § 3-203. Possession of or consumption from open container.
- § 3-204. Sale to persons under twenty-one (21) years of age.
- § 3-205. Presence of person under twenty-one (21) years of age where alcoholic beverages are sold.

- § 3-206. Purchase, possession or use by person under twenty-one (21) years of age.
- § 3-207. Aiding, abetting, or inciting.
- § 3-208. Affirmative defenses.
- § 3-209. Penalties.

Article III. Beer Keg Identification.

- § 3-301. Beer keg identification tags.
- § 3-302. Failure to identify keg.
- § 3-303. Possession of unidentified keg.
- § 3-304. Purchaser providing false information.
- § 3-305. Keg defined.
- § 3-306. Penalty.

ARTICLE I. LICENSES AND HOURS OF OPERATION.⁸

Sec. 3-101. Retail liquor license.

The annual fee for a Retail Liquor License shall be \$1,250.00, payable to the Town of Thermopolis by certified or cashiers check at the time of filing Application for said license. (Ord. No. 646, 2/25/88)

Sec. 3-102. Limited retail liquor license.

The annual fee for a limited retail liquor license shall be \$200.00, payable to the Town of Thermopolis by certified or cashier's check at the time of filing application for said license. (Ord. No. 570, 1/17/89, 3)

Sec. 3-103. Restaurant liquor license.

The annual fee for a Restaurant Liquor License shall be \$840.00, payable to the Town of Thermopolis by certified or cashiers check at the time of filing application for said license. (Ord. No. 646, 2/25/88)

Sec. 3-104. Transfer of liquor license.

A person seeking to transfer an annual license shall submit a new application form and shall pay to the Clerk, at the time of such application, a non-refundable additional license fee of \$100.00. The transfer application shall be set for public hearing and otherwise considered by the governing body in a manner consistent with Wyo. Stat. § 12-4-601. (Ord. No. 719, 7/2/96, 1)

Sec. 3-105. Operating hours – limited retail liquor licensees.

Repealed (Ord. No. 847 06/06/2017, 1)

Sec. 3-106. Operating hours – other licensees.

Any licensee may open a dispensing room no earlier than 6:00 a.m. and shall close the dispensing room and cease the sale of alcoholic beverages no later than 2:00 a.m. the following day; and the licensee shall clear the dispensing room and the permitted premises of all persons other than employees no later than 2:30 a.m. (Ordinance No. 847 06/06/2017, 2)

⁸. As to issuance of liquor licenses, see Chapter 4 of Title 12 of the Wyoming Statutes; as to authority of the Town of collect fees, see Wyo. Stat. §33-1-106 (or as later amended).

Sec. 3-107. Bar and grill liquor license.

Upon proper application and compliance with Wyoming Law, the Town may issue two (2) bar and grill liquor license pursuant to and subject to the terms and conditions of applicable Wyoming Law, the annual fee for which shall be payable to the Town by certified or cashier's check at the time of filing an application for said license or renewal of said license. (Ordinance No. 797 8/01/06, Modified Ordinance No. 846 05/02/17, 1)

Sec. 3-108. Microbrewery and winery permit.

The Town may issue such permits for microbreweries and wineries pursuant to proper application and subject to and in compliance with the terms and conditions of Wyoming Law, the annual fee for which shall be \$300.00, payable to the Town of Thermopolis by certified or cashiers check at the time of filing application for said permit or renewal thereof. (Ord. No. 797, 8/1/06)

Sec. 3-109 24 hour malt beverage permit for microbreweries.

The Town of Thermopolis may issue a twenty-four (24) hour malt beverage permit to microbreweries and this shall be considered an additional license or permit for the holder of a microbrewery permit as granted by the Town of Thermopolis for the purpose of selling its own brewed malt beverages. (Ord. No. 856 08/06/2019, 1)

Sec. 3-110 Permit application and permit forms.

The following permit applications are hereby adopted, effective immediately:

- (a) Twenty-four (24) hour Alcoholic Beverage Sales Permit Application.
- (b) Twenty-four (24) hour Alcoholic Beverage Sales Permit.

(c) The forms for permit application and the sales permit shall be maintained in the office of the Thermopolis Town Clerk and available as necessary for applicants.

(Ord. No. 856 08/06/2019, 2)

Sec. 3-111 Attendance at Town Council and date of application.

(a) Applications shall be submitted at least five (5) days prior to the next Town Council meeting. (Ord. No. 856 08/06/2019, 3)

(b) Applicants for any type of alcoholic or malt beverage sales permits or licenses shall attend the hearing at which license or permit is set to discussed and acted upon and failure of the applicant to attend said hearing can result in denial of the application, subject to the discretion of the governing body of the Town of Thermopolis. (Ord. No. 856 08/06/2019, 3)

Sec. 3-112 Permit fee.

All permits of any nature for offsite sales and twenty-four (24) hour permits are \$25.00 per permit. (Ord. No. 856 08/06/2019, 4)

ARTICLE II. GENERAL REGULATIONS.⁹

Sec. 3-201. Definitions.

(a) "Alcoholic liquor", "intoxicating liquor" and "alcoholic beverage" mean 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 (.5%) of alcohol by volume.

(b) "Malt beverage" means any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefore, containing at least one-half of one percent (.5%) of alcohol by volume. (Ord. No. 652, 6/21/88, 4)

Sec. 3-202. Sale or delivery to habitual drunkard or incompetent person.

It shall be unlawful for any person to sell, give or deliver alcoholic or malt beverages to any habitual drunkard or any incompetent person.(Ord. No. 554, 4/12/79, 3)

Sec. 3-203. Possession of or consumption from open container.

(a) It shall be unlawful for any person, except as provided in Subsection (b) or (c) below, to consume any alcoholic or malt liquors or to be in possession of any alcoholic or malt liquors in an open container of any type, upon any public street, sidewalk, alley, Town or public park, or public vehicle parking area, whether publicly owned or privately owned, within the Town.

(b) The prohibition in Subsection (a) above may be modified on no more than four days each calendar year by the Governing Body by a resolution which designates dates during county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings

⁹ For pertinent definitions, see Section 1-105 of this Code.

when open containers other than those composed of glass shall be permitted in limited outdoor locations for a period of 24 hours or less.

(c) The prohibition in Subsection (a) above concerning consumption of any alcoholic or malt liquors in a Town or public park may be modified by application for a permit. Said application shall be submitted to and a permit obtained from the Police Department, which permit shall specify the name of the permit holder; the date, inclusive time and place for the consumption of the alcoholic beverage; and the estimated number of persons involved in the gathering. There shall be no fee for issuance of the permit. (Ord. No. 616, 5/25/84, 1, 2; Ord. No. 705, 10/18/94)

Sec. 3-204. Sale to persons under twenty-one (21) years of age.

(a) No person shall sell, offer for sale, give away or deliver alcoholic or malt beverages to any person under the age of twenty-one (21) years.

(b) It is an affirmative defense to a prosecution under the above paragraph of this section that:

(i) In case of a sale, the person who sold the alcoholic or malt beverage demanded, was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the alcoholic or malt beverage as being twenty-one (21) years of age or older; or

(ii) the alcoholic or malt beverage was given or delivered to the person under twenty-one (21) years of age by his licensed medical doctor, a parent or guardian and the alcoholic or malt beverage was given or delivered to the person for use in the privacy of his parent's or guardian's home while under the direct supervision of the parent or guardian. (Ord. No. 699, 2/1/94, 1)

Sec. 3-205. Presence of person under twenty-one (21) years of age where alcoholic beverages are sold.

(a) It shall be unlawful for any holder of a retail liquor license or his agent or employee to permit any person under twenty-one (21) years of age to enter or remain in a place, except drugstores, restaurants or other eating establishments duly licensed to serve alcoholic or malt beverages, in which he sells alcoholic or malt beverages.

(b) Persons under the age of twenty-one (21) years are hereby prohibited from entering or remaining in the dispensing room of any Town of Thermopolis alcoholic or malt beverage licensee during the hours that the licensed room or rooms are open for the sale or dispensing of alcoholic or malt beverages. (Ord. No. 699, 2/1/94, 3)

(c) Any minor accompanied by his parent or guardian, who is at least eighteen (18) years of age, may enter or remain in the licensed room or rooms where alcoholic or malt beverages are dispensed if the area is a dining or waiting area, as a part of the licensed room, no later than 10:00 p.m. (Ord. No. 719, 7/2/96, 3)

Sec. 3-206. Purchase, possession or use by person under twenty-one (21) years of age.¹⁰

(a) No person under the age of twenty-one (21) shall purchase or attempt to purchase alcoholic or malt beverages, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing or attempting to purchase alcoholic or malt beverages.

(b) It is unlawful for any person under the age of twenty-one (21) years to use, possess, or be under the influence of any alcoholic or malt beverage. Any person under the age of twenty-one (21) years shall be presumed to be in possession or under the influence of an alcoholic or malt beverage if he has a blood alcohol concentration of 0.01 or greater, or have the odor of an alcoholic or malt beverage upon his breath. (Ord. No. 699, 2/1/94, 4)

Sec. 3-207. Aiding, abetting, or inciting.

(a) It shall be unlawful for any person to aid, abet, or incite any violation of this §§ 3-204 through 3-206; including, but not limited to:

(i) For any person to allow a person under the age of twenty-one (21) years, who is not his legal ward or medical patient, to use, possess, or be under the influence of an alcoholic or malt beverage while that person is on property owned or controlled by him.

(ii) For any person under twenty-one (21) years of age to accept any alcoholic or malt beverage from someone other than his parent, legal guardian, or medical doctor. (Ord. No. 699, 2/1/94, 2)

Sec. 3-208. Affirmative defenses.

It is an affirmative defense to a prosecution under §§ 3-204 through 3-207 if:

(a) The defendant possessed, used, or was under the influence of an alcoholic or malt beverage while in the home of his parent or guardian, while under the direct supervision of his parent or guardian and remained in said home; or

¹⁰ As to state law concerning sale to or possession by a minor, see Chapter 6 of Title 12 of the Wyoming Statutes.

(b) The defendant or the defendant's employee was making a delivery of alcoholic or malt beverages pursuant to his employment; or

(c) The defendant is a licensee under Wyoming law; or

(d) The defendant or the defendant's employee was 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 was at least eighteen (18) years of age. (Ord. No. 699, 2/1/94, 5)

Sec. 3-209. Penalties.

(a) Any person violating any provision of this article is guilty of a misdemeanor punishable by a fine of not more than \$750.00. (Ord. No. 800, 5/10/07)

(b) For any person under the age of twenty-one (21) who is so convicted, the Court may allow the defendant to perform community service and be granted credit against the fine and the Court costs at the rate of \$5.00 for each hour of work performed. (Ord. No. 699, 2/1/94, 6)

ARTICLE III. BEER KEG IDENTIFICATION.

Sec. 3-301. Beer keg identification tags.

All licensees operating within the Town of Thermopolis who sell keg beer for consumption off licensed premises shall place an identification tag onto all kegs of beer at the time of sale and require the signing of a receipt therefore by the purchaser in order to allow kegs to be traced if the contents are used in violation of this Article. The licensees shall identify each keg as soon as possible after purchase from the wholesaler. The keg identification shall be in the form of a numbered label prescribed and supplied by the Chief of Police which identifies the seller and which is removable or obliterated when the keg is processed for refilling. The receipt shall be on a form prescribed and supplied by the Chief of Police and shall include the name and address of the purchaser and such other information as may be required by the Chief of Police. All receipts shall be kept by the licensee for a period of six (6) months and shall be subject to inspection by the Chief of Police or his agent when conducting an investigation. (Ord. No. 684, 11/28/91, 1)

Sec. 3-302. Failure to identify keg.

Anyone selling beer for off premises consumption that fails to require the signing of a receipt at the time of sale or fails to place a numbered identification label onto the keg is guilty of a misdemeanor. (Ord. No. 684, 11/28/91, 2)

Sec. 3-303. Possession of unidentified keg.

Except for wholesalers of beer, possession of a keg which is not identified as required by Code Section 3-301 above is a misdemeanor. (Ord. No. 684, 11/28/91, 3)

Sec. 3-304. Purchaser providing false information.

Any purchaser of keg beer who knowingly provides false information on the receipt required by Code Section 3-301 above shall be guilty of a misdemeanor. (Ord. No. 684, 11/28/91, 4)

Sec. 3-305. Keg defined.

As used in this Article, "keg" means any brewery-sealed, individual container of beer having a liquid capacity of two (2) gallons or more. (Ord. No. 684, 11/28/91, 5)

Sec. 3-306. Penalty.

Any person convicted of violating this Article is guilty of a misdemeanor punishable by a fine of not more than \$750.00. (Ord. No. 684, 11/28/91, 6) (Ord. No. 800, 5/10/07)

CHAPTER 4.

ANIMALS AND FOWL.

Article I. Harboring Livestock.

- § 4-101. Illegal to keep within corporate limits.
- § 4-102. Declared nuisance.
- § 4-103. Prohibition of contact with wildlife within town limits.

Article II. Stock Running at Large

- § 4-201. Declared nuisance.
- § 4-202. Impoundment; charge for keep.
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- § 4-204. Same -- "Profit" of sale to be paid to true owner.
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Article III. Dogs and Cats.

- § 4-301. Definitions.
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- § 4-303. Same -- Loss of tag.
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- § 4-305. Restraint -- Proper care and control.
- § 4-306. Unlicensed animals, dogs running at large, and nuisance cats -- First offense.
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- § 4-309. Impounded animals not claimed.
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- § 4-312. Redemption of impounded animals.
- § 4-313. Investigation for purposes of enforcement.
- § 4-314. Interference with impoundment officer.
- § 4-315. Records to be kept by Animal Control Authority.
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- § 4-322. Notice of hearing to be given owner -- Notice by publication when owner unknown -- Contents of notice -- Method of service.
- § 4-323. Hearing -- Municipal Judge to consider circumstances.
- § 4-324. Owner's opportunity to be heard -- Evidentiary rules.
- § 4-325. Release or destruction of the dog or cat -- Owner assessed impoundment fees.
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- § 4-327. Failure to pay fines.
- § 4-328. Humane and safe traps authorized.
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- § 4-330. Animal waste.

Article IV. Cruelty to Animals.

- § 4-401. Unlawful to torture, mistreat, etc. animals.
- § 4-402. Animal care requirements.
- § 4-403. Duty of animal control officer -- Payment of expenses by owner.
- § 4-404. Impounded animals.

ARTICLE I. HARBORING LIVESTOCK.¹¹

Sec. 4-101. Illegal to keep within corporate limits.

No person, firm, partnership, corporation or association shall keep, harbor, stable, pen or maintain horses, mules, asses, cattle, neat or otherwise, swine pigs, pigs, sheep, chickens, ducks, geese, turkeys, or other livestock or poultry, except that nothing herein shall be construed to mean or include dogs, cats, or household pets, on any premises within the corporate limits of the Town. (Ord. No. 404, 6/24/55, 1)

Sec. 4-102. Declared nuisance.

The keeping, harboring, stabling, penning or maintaining of said livestock and poultry herein above enumerated within the corporate limits of the Town is hereby declared to be a nuisance and may be abated in the manner provided by law for the abatement of nuisances. (Ord. No. 404, 6/24/55, 2)

Sec. 4-103 Prohibition of Contact of Wildlife within Town Limits

(a) The following terms shall be defined as follows:

(i) "Wildlife" shall be defined as those animals described as "Big Game Animal" under W.S. §23-1-101(a)(i) and "Furbearing Animal" under W.S. §23-1-101 (a)(iii). (Ord. No. 822 9/21/2010, 1)

(ii) "Contact" means, but is not limited to, physical contact between the public and wildlife, including the unauthorized provision of food and liquids; and also visual, auditory or olfactory contact between the public and wildlife which may cause or result in subjecting the wildlife to stress; behavioral anomalies, including taming, or imprinting or in any diminishing of the capacity of said wildlife to subsequently survive in the wild independent of human aid and subsistence. (Ord. No. 822 9/21/2010, 1)

(iii) "Game Bird" shall be defined as those birds described under W.S. § 23-1-1-1(a)(iv) and "Migratory Game Bird" shall be defined as those birds described in W.S. § 23-1-101(a)(vi). (Ord. No. 858 03/03/2020, 1)

(c) It shall be unlawful for any person to intentionally engage in physical contact between that person and any wildlife, game bird and migratory game bird within the town limits of the Town of Thermopolis unless that person is an authorized peace officer, law enforcement officer, Wyoming Department of Game and Fish Official, U.S. Wildlife

¹¹ As to state law concerning animals generally, see Title 11 of the Wyoming Statutes.

Official, or animal control officer in the official performance of duties as authorized by any local, state or federal governmental agency. (Ord. No. 822 9/21/2010, 2)

(d) Any person who violates any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not to exceed \$750.00. (Ordinance No. 822 09/21/2010, 3)

ARTICLE II. STOCK RUNNING AT LARGE.¹²

Sec. 4-201. Declared nuisance.

All horses, mules, asses, cattle, swine, sheep, goats, chickens, turkeys, geese, ducks, and any other fowl or animals, with the exception of dogs, running at large within the corporate limits of the Town are hereby declared to be a nuisance and any person or persons being the owners or harborers of any such animals or fowl and who shall allow the same to run at large or be found at large within such corporate limits shall be deemed the author of a nuisance for each of said animals or fowl. (Ord. No. 407, 9/10/56, 1)

Sec. 4-202. Impoundment; charge for keep.

The Chief of Police is hereby authorized, and it is hereby made his duty to take up and confine in a secure pen or pound or other place to be provided by him, for that purpose, every horse, mule, ass, and all cattle, sheep, swine, and goats found running at large within the corporate limits of the Town and no such animal so taken up and confined, as aforesaid, shall be released until the owner, or any other person for him, shall pay the officer having such animal in keeping the sum of \$50.00 per head, to be paid by such officer into the Town Treasury for each animal claimed, and the sum of \$30.00 per head for the purpose of sustenance of each animal for every 24 hours or fraction thereof the same shall have been kept. (Ord. No. 407, 9/10/56, 2, amend. Ord. No. 854 10/16/2018, 1)

Sec. 4-203. Sale of impounded animals not claimed.

The Chief of Police is hereby empowered and authorized to sell at public auction any and all such animals taken up and confined, as aforesaid, at any time after fifteen days from the time they were taken up and confined and shall, before offering the same for sale, give at least ten days notice of such sale by publication in any newspaper having a general circulation within the County being published in the Town. (Ord. No. 407, 9/10/56, 3)

Sec. 4-204. Same -- "Profit" of sale to be paid to true owner.

¹² As to authority of municipalities to regulate animals running at large, see Wyo. Stat. §15-1-103(a)(xiv).

If any of the animals hereinbefore mentioned shall be sold pursuant to the provisions of this Article for more than the charges by this Article imposed upon such animals, the excess shall be deposited with the Treasurer of the Town, to be paid to the owner of the animal upon claim and proof of ownership being made to the Town Council, and thereupon by Order of the Town Council in favor of the Owner. (Ord. No. 407, 9/10/56, 4)

Sec. 4-205. Interference with impoundment officer.

It shall be unlawful to hinder, delay or obstruct any officer in taking up animals found running at large contrary to the provisions of this Article, or to break open or in any way aid or assist in breaking open, any pen, pound, or enclosure, with intent to release any animal therein confined. (Ord. No. 407, 9/10/56, 5)

Sec. 4-206. Persons other than law officers given impoundment power.

It shall be lawful for any person to detain and take up any animal found running at large contrary to the provisions of this Article and to deliver or cause to be delivered such animal to the proper person or officer who shall receive the same and proceed in like manner as if the same had been taken up by himself. (Ord. No. 407, 9/10/56, 6)

Sec. 4-207. Law officer's authority to disburse nuisance birds.

(a) Notwithstanding any other provisions of the Town Code in conflict herewith, the members of law enforcement agencies of the Town of Thermopolis and Hot Springs County are hereby authorized to disburse birds creating nuisances by the use of firearms, fireworks, and other methods reasonably designed to disburse nuisance birds.

(b) Notwithstanding any other provisions of the Town Code in conflict herewith, members of the public may be authorized upon notice to the public and permission of the Chief of Police to discharge bottle rockets in order to disburse nuisance birds. (Ord. No. 789, 2/7/06)

ARTICLE III. DOGS AND CATS.¹³

Sec. 4-301. Definitions.

¹³ As to state law concerning dogs, see Chapter 31 of Title 11 of the Wyoming Statutes.

(a) Animal Control Authority -- The provisions of this Article shall be enforced by the Animal Control Authority, which shall consist of those persons so designated by the Town Council. (Ord. No. 484, 4/13/67, 1)

(b) Animal Control Officer -- The person or persons employed by the Town to enforce this Article, who may also be referred to as the dog warden. (Ord. No. 593, 12/1/81, 2)

(c) Animal Shelter -- Any premises designated by action of the Town for the purpose of impounding and caring for all animals found running at large in violation of this Article. (Ord. No. 484, 4/13/67, 1)

(d) Neutered animal -- Any dog or cat that has been rendered permanently incapable of reproduction. (Ord. No. 611, 11/8/83, 2)

(e) Nuisance -- Any dog or cat that

(i) Molests passersby or passing vehicles;

(ii) Attacks or repeatedly fights with other animals;

(iii) Trespasses on school grounds;

(iv) Is repeatedly at large;

(v) Damages private or public property; or

(vi) Barks, whines, or howls in an excessive continuous, or untimely fashion.
(Ord. No. 611, 11/8/83, 3)

(f) Owner -- Any person, group of persons, or corporation owning, keeping or harboring a dog, dogs, cat, or cats. (Ord. No. 611, 11/8/83, 3)

(g) Restraint -- A dog is under constraint within the meaning of this Article if it is controlled by a leash, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper. (Ord. No. 484, 4/13/97,1)

(h) Bit or Bitten -- The skin has been penetrated by an animal's teeth or saliva from the animal has come in contact with an open wound or mucous membrane. (Ord. No. 854 10/16/2018, 2)

(i) Dangerous Animal – A dog or cat that constitutes a physical threat to human beings or other animals. Proof of the fact that an animal has bitten or attacked a person or other animal at any place where that person or animal is legally entitled to be is evidence that the animal is dangerous. (Ord. No. 854 10/16/2018, 2)

Sec. 4-302. License -- Application, fees, requirements, vaccination, tags.

(a) It shall be unlawful for any person to own, keep or harbor any dog or cat over three (3) months of age within the Town, unless such dog or cat is licensed and vaccinated for rabies. A dog or cat shall be initially vaccinated for rabies at the age of three months, and shall again be vaccinated one year thereafter, and then shall be vaccinated every two years. (Ord. No. 775,8/1/04)

(b) Each dog and cat owner shall obtain from a licensed veterinarian a durable rabies vaccination tag and a certificate of vaccination for each dog and cat owned, which shall be kept current and effective. (Ord. No. 611, 11/8/83,4)

(c) Application for a license must be made within 30 days after obtaining a dog or cat over three months of age, except that non-residents may keep an unlicensed dog or cat within the Town up to 60 days. Written application shall be to the Town Clerk and shall include the animal's name, breed, color, age, and sex. (Ord. No. 681, 2/5/91, 2)

(d) A license shall be issued upon receipt of proof of current rabies vaccination and receipt of the applicable fee:

Neutered animal -----	\$10.00
Unneutered animal-----	\$20.00

(Ord. No. 854 10/16/2018, 3)

(e) The licensing period shall be for one year commencing on January 1 of each year. License renewal may be applied for within 30 days prior or subsequent to the expiration date. Late renewals shall be assessed a \$3.00 delinquent fee. (Ord. No. 593, 12/1/81, 3)

(f) License fees shall be waived for dogs serving the blind or deaf, and for government-owned dogs used for law enforcement. (Ord. No. 593, 12/1/81, 3)

(g) Upon acceptance of the license application and fee, the Animal Control Authority shall issue a durable license tag exhibiting an identifying number, the year of issuance, and "Thermopolis, Wyoming." The Town Clerk shall maintain a record of all licenses issued. (Ord. No. 854 10/16/2018, 3)

(h) Both rabies vaccination tags and license tags must be attached to the dog's collar, and worn at all times. Neither tag is transferable. Both rabies vaccination tags and license tags must be attached to the cat's collar and worn at all times, unless the owner has the cat tattooed. Such tattoo shall be registered with the Animal Control Authority at the time of licensing, and the Animal Control Authority shall maintain a cross-reference file by tattoo numbers. (Ord. No. 854 10/16/2018, 3)

(i) Any person convicted of violating Code Section 4-302 is guilty of a misdemeanor punishable by a fine of not more than \$750.00. (Ord. No. 681, 2/5/91, 3) (Ord. No. 800, 5/10/07)

Sec. 4-303. Same -- Loss of tag.

In the event that a metallic license tag issued for an animal is lost, the owner may obtain a duplicate tag upon the payment of \$2.00. (Ord. No. 611, 11/8/83, 13)

Sec. 4-304. Same -- Use of license receipt by another.

No person shall use for any animal a license receipt, or license tag issued for another animal. (Ord. No. 611, 11/8/83, 13)

Sec. 4-305. Restraint -- Proper care and control.

(a) The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless under the control of a competent person. (Ord. No. 484, 4/13/67, 4)

(b) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a nuisance. (Ord. No. 611, 11/8/83, 6)

(c) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding under the control of a responsible person. (Ord. No. 611, 11/8/83, 7)

Sec. 4-306. Unlicensed animals, dogs running at large, and nuisance cats -- First offense.

(a) When a dog or cat is found unlicensed, when a dog or cat is running at large, or when a citizen's complaint has been received about a nuisance dog or cat for the first

time, the dog or cat shall be impounded in the animal shelter or may be returned to the owner if known, but only if the owner can be determined with reasonable effort and the impounding officer does not have other matters pending that requires his or her attention. The owner is presumed unknown if the dog or cat does not have the required license tag attached to a collar, or in the case of a cat, an appropriate identifying tattoo that has been registered with the animal control authority. (Ord. No. 854 10/16/2018, 4)

(b) When a dog or cat is found unlicensed, when a dog or cat is found running at large, or when a citizen's complaint has been received about a nuisance dog or cat for the first time, and the owner is known and can be located, the animal control officer or police officer shall issue a warning or citation to the owner, at the discretion of the animal control officer or police officer. In exercising said discretion, the animal control officer or police officer shall review that animal's or owner's history of complaints or violations of this or similar ordinances. (Ord. No. 854 10/16/2018, 4)

(c) If the owner of an unlicensed dog or cat who has received a warning pursuant to subsection (b) above does not make application for a license within seven days of such receipt, the animal control officer shall notify said owner in writing of the following:

(i) The date and time the warning was issued.

(ii) The ordinance or Code section violated.

(iii) The amount of the fine for the violation, and instructions on how to pay it or contest it.

(iv) The consequences of a failure to pay the fine or to make an appearance.

(d) The fine for violating this Section is \$50.00 plus court costs. (Ord. No. 854 10/16/2018, 4)

Sec. 4-307. Same -- Second offense.

(a) When a dog or cat is found unlicensed, when a dog or cat is found running at large, or when a citizen's complaint has been received about a nuisance dog or cat for the second time, the dog or cat shall be impounded in the animal shelter or may be returned to the owner if known, but only if the owner can be determined with reasonable effort and if the impounding officer does not have other matters pending that requires his or her attention. The owner is presumed unknown if the dog or cat does not have the required license tag attached to a collar, or in the case of a cat, an appropriate identifying tattoo that has been registered with the Animal Control Authority. (Ord. No. 854 10/16/2018, 5)

(b) When a dog or cat is found unlicensed, when a dog or cat is found running at large, or when a citizen's complaint has been received about a nuisance dog or cat for the second time, and the owner is known, the animal control officer or police officer shall cite the owner. The citation shall contain the following:

(i) The date and time of the violation, description of the animal, and the location where found.

(ii) The ordinance or Code section violated.

(iii) The amount of the fine for the violation, and instructions on how to pay it or contest it.

(iv) The consequences of a failure to pay the fine or to make an appearance.

(Ord. No. 854 10/16/2018, 5)

(c) The fine for violating this Section is \$100.00 plus court costs. (Ord. No. 854 10/16/2018, 5)

Sec. 4-308. Same -- Third or subsequent offense.

When a dog or cat is found unlicensed, when a dog or cat is found running at large, or when a citizen's complaint has been received about a nuisance dog or cat for a third or subsequent time, the animal shall be impounded or confined in the animal shelter in a humane manner. (Ord. No. 611, 11/8/83, 10), (Ord. No. 854 10/16/2018, 6)

Sec. 4-309. Impounded animals not claimed.

Impounded animals shall be kept for not less than three (3) working days. Except as otherwise provided in this Article, any animal not claimed by its owner within such period shall become the property of the Animal Control Authority. Such animals may be humanely destroyed or may be placed in the custody of some person deemed to be a responsible and suitable owner, who shall agree to comply with all Town ordinances and regulations in respect therewith. (Ord. No. 611, 11/8/83, 11)

Sec. 4-310. Impoundment fees

Any dog or cat impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Town Clerk of the impoundment fees, except as otherwise

provided in this article. Such fee for the first impoundment during a licensing period shall be \$15.00 plus \$10.00 for each day of impoundment. For the second impoundment of the same animal during a licensing period, the fee shall be \$35.00 plus \$10.00 for each day of impoundment. For the third impoundment of the same animal during a licensing period, the fee shall be \$50.00 plus \$10.00 for each day of impoundment. For the fourth or subsequent impoundment of the same animal during a licensing period, the fee shall be \$75.00 plus \$10.00 for each day of impoundment. All such fees shall be paid before the animal may be released to the owner. (Ord. No. 675, 7/26/90, 1)

Sec. 4-311. Impoundment -- Notification of owners.

Immediately upon impounding a dog or cat, the agents of the Animal Control Authority shall make every possible effort to notify the owners of such animals and inform such owners of the conditions whereby they may regain custody of such animals. (Ord. No. 611, 11/8/83, 14)

Sec. 4-312. Redemption of impounded animals.

The owner shall be entitled to resume possession of any impounded animal, except as hereinafter provided, upon compliance with the license provisions and the payment of impoundment fees set forth herein. (Ord. No. 611, 11/8/83, 15)

Sec. 4-313. Investigation for purposes of enforcement.

For the purpose of discharging the duties imposed by this Article and to enforce its provisions, any agent of the Animal Control Authority or any police officer is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal or the license for such animal. (Ord. No. 611, 11/8/83, 16)

Sec. 4-314. Interference with impoundment officer.

No person shall interfere with, hinder or molest any agent of the Animal Control Authority in the performance of any duty of such agent, or seek to release any animal in the custody of the Animal Control Authority, or its agents. (Ord. No. 484, 4/13/67, 8)

Sec. 4-315. Records to be kept by Animal Control Authority.

It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody. (Ord. No. 484, 4/13/67, 9)

Sec. 4-316. Harboring of vicious dog.

No person shall own, keep or harbor and allow to be upon any premises occupied by him or under his charge or control any vicious dog or any dog that has manifested a disposition to bite anyone, without having such dog properly secured and muzzled. (Ord. No. 565, 10/25/79, 1)

Sec. 4-317. Vicious dog defined -- Exception.

A dog which has bitten any person or domesticated animal shall thereafter be conclusively deemed a vicious dog, and a dog that has manifested a disposition to bite, except as follows: A dog which has bitten any person or domesticated animal not lawfully in a building or the enclosed premises of its owner, or which has bitten a person or domesticated animal who has unreasonably provoked such dog, or a dog which bites a person or domesticated animal in protection of its owner, or a member of its owner's family, shall not be deemed a vicious dog or a dog who has manifested a disposition to bite. (Ord. No. 854 10/16/2018, 8)

Sec. 4-318. Seizure and impoundment of dogs or cats that have bitten.

It shall be the duty of the Chief of Police, any Police Officer, or Animal Control Officer of the Town of Thermopolis to pick up and impound with the Animal Control Authority, any dog or cat which has been reported to the Police Department or the Animal Control Officer as having bitten any human being within the Town. All such officers are authorized to enter upon private premises at any time in order to affect such seizure and impoundment. (Ord. No. 567, 11/6/79, 3)

Sec. 4-319. Same -- Release upon proof of rabies vaccination -- Quarantine -- Destruction of rabid dogs or cats.

Any dog or cat impounded in accordance with Section 4-318 hereof may be released to its owner upon the owner presenting to the Chief of Police or any Town Police Officer or Animal Control Officer or their authorized designees, proof that the dog or cat has received rabies vaccine within one year preceding the date of the bite, and upon payment of impoundment fees as provided by Section 4-310. If no proof of rabies vaccination is presented, the dog or cat shall be observed by the Animal Control Authority for a period of ten days. The Animal Control Officer may, at his discretion, keep the dog or cat impounded during the ten day period, or he may release the dog or cat to the care of its owner to be quarantined for a like period, at the expiration of which the dog or cat shall be returned to the Animal Control Authority or its designee for examination. If the dog or cat is found to be rabid, it shall be destroyed at once, and the victim of that animal's bite immediately shall be notified by the Animal Control Authority of the fact that the dog or cat was found to be rabid. If, at the end of the ten day period, the dog or cat is found not to be rabid, it shall be released to its owner upon payment by the owner of the impoundment

fees provided for by Section 4-310, and the Animal Control Authority immediately shall notify the victim of the animal's bite that the animal was found not to be rabid. (Ord. No. 567, 11/6/79, 4)

Sec. 4-320. Seizure and impoundment of dogs or cats that have bitten a second time -- Notice to Town Attorney.

Any dog or cat which has been impounded one or more times pursuant to the preceding Section of this Article, which again bites any human or domesticated animal being within the Town of Thermopolis, shall immediately be impounded by the Chief of Police, any Police Officer, or the Animal Control Officer of the Town. The officer may enter onto any premises within the Town of Thermopolis at any time to effectuate the seizure and impoundment. Impoundment shall be with the Town Animal Control Authority. Such impoundment shall not provide for release until after a hearing by the Municipal Judge on the question or whether or not the animal should be destroyed. Immediately upon impounding any animal for a second or subsequent bite, the officer impounding the dog or cat shall notify the Town Attorney of such impoundment, together with any and all information available to him as to the name of the dog or cat, his license tag number, if any, and the name and address of the owner of the animal, if known. (Ord. No. 854 10/16/2018, 9)

Sec. 4-321. Municipal Judge to set hearing date -- Date to be at least ten days after impoundment and after notice to owner.

Upon notification that an animal has been impounded for a second or subsequent bite, the Town Attorney shall request the Municipal Judge to set a date for hearing the question as to whether or not the dog or cat should be destroyed. The hearing date must be at least ten days after the impoundment, so that the animal may be observed for signs of rabies, and at least ten days after the giving or publication of notice as provided for hereafter. (Ord. No. 567, 11/6/79, 6)

Sec. 4-322. Notice of hearing to be given owner -- Notice by publication when owner unknown -- Contents of notice -- Method of service.

Immediately upon the setting of a date for hearing, the Town Attorney shall cause a Notice of the Hearing to be served upon the owner, or owners, of the dog or cat, specifying the date, time, place and purpose of said hearing. If the owner of the dog or cat is not known, and cannot be discovered by reasonable diligence, the Town Attorney shall cause to be published in a newspaper of general circulation in the Town, notice of said hearing, specifying the date, time, place and purpose of the hearing, as complete a description of the dog or cat as possible, the date and time of the animal's bite, and the name of the victim, together with as precise a location of the occurrence as is available. Such notice must be

served or published at least ten days prior to the hearing provided for herein. Service may be by certified mail or personally, by a police officer. (Ord. No. 567, 11/6/79, 7)

Sec. 4-323. Hearing -- Municipal Judge to consider circumstances.

At the hearing, the Municipal Judge shall determine whether or not the dog or cat should be destroyed. In that regard, the Municipal Judge shall consider the circumstances of each bite, the degree of danger which the dog or cat poses to the community's health and welfare, and the likelihood of further attacks by the dog or cat upon human beings or domesticated animals. A dog or cat which has bitten any person or domesticated animal not lawfully in a building or in the enclosed premises of its owner, or which has bitten a person or domesticated animal who has unreasonably provoked it, or a dog or cat which bites a person in protection of its owner, or a member of its owner's family, shall not be deemed to have manifested a disposition to bite, nor shall any bite be construed as a prior bite within the terms of this Article. (Ord. No. 854 10/16/2018, 10)

Sec. 4-324. Owner's opportunity to be heard -- Evidentiary rules.

At the hearing, the owner or owners of the dog or cat shall be afforded the opportunity to be heard on the question of whether or not the dog or cat should be destroyed, and both the Town and the owner or owners may present evidence bearing on such issue, in accordance with the Wyoming Rules of Evidence, and the Wyoming Administrative Procedure Act. (Ord. No. 567, 11/6/79, 9)

Sec. 4-325. Release or destruction of the dog or cat -- Owner assessed impoundment fees.

At the conclusion of the hearing, the Municipal Judge shall decide whether or not the dog or cat should be destroyed. If the Municipal Judge decides the dog or cat is not to be destroyed, the dog or cat shall be released to its owner or owners, upon payment of the appropriate impoundment fees as specified by Section 4-310. If the Municipal Judge decides that the dog or cat should be destroyed, he shall issue an Order to that effect to the Animal Control Authority, and the animal shall immediately be destroyed by the Animal Control Authority in the most humane manner practically available. The owner or owners of the dog or cat shall be assessed all impoundment fees pursuant to Section 4-18, from the date of impoundment to the date of destruction, together with the costs of destruction of the animal. (Ord. No. 567, 11/6/79, 10)

Sec. 4-326. Municipal Judge empowered to hear cases.

The Town Municipal Judge is hereby empowered to hear and decide all cases arising under the provisions of this Article. (Ord. No. 567, 11/6/79, 2)

Sec. 4-327. Failure to pay fines.

Any owner who fails to pay a fine assessed pursuant to this Article shall be subject to prosecution in Municipal Court as for the violation of any Town ordinance, for which the Town Code's general penalty provisions shall apply. (Ord. 611, 11/8/83, 18)

Sec. 4-328. Humane and safe traps authorized.

The Animal Control Authority or police officers are hereby authorized to place or authorize the use of humane and safe traps designed to capture an animal without injury to the animal for the purpose of capturing nuisance animals on public property or any private property in the Town at the written request of the owner of such property. (Ord. No. 611, 11/8/83, 18)

Sec. 4-329. Mayor may issue proclamation if Town infested by stray or nuisance dogs or cats.

The Mayor is hereby authorized, whenever in his opinion the Town or a portion of it has become infested with nuisance and stray dogs or cats which endanger public health and safety, to issue a proclamation ordering persons owning dogs and cats to confine the same by good and sufficient means on their own premises. Any dog or cat running at large during the period of the proclamation immediately shall be impounded and confined in the animal shelter in a humane way. (Ord. No. 611, 11/8/83, 19)

Sec. 4-330. Animal waste.

(a) The owner, or any person having control or purporting to have control over any animal, is responsible for the removal of any excreta deposited by his/her animal on public walks, public ways, parks, recreation areas, or private property, other than that of the owner.

(b) It shall be unlawful and a misdemeanor for any person to violate any provision of this subsection, which misdemeanor shall be punishable by a fine of up to Seven Hundred Fifty Dollars (\$750.00). (Ord. No. 800, 5/10/07)

ARTICLE IV. CRUELTY TO ANIMALS

Sec. 4-401. Unlawful to torture, mistreat, etc. animals.

No person shall torture, torment, deprive of sustenance, unnecessarily beat, maliciously mutilate or kill or otherwise mistreat in a cruel or inhumane manner any

animal, or cause or procure it to be done; or having the charge and custody of any animal, fail to care for it in a reasonable manner. (Ord. No. 594, 12/15/81, 1)

Sec. 4-402. Animal care requirements.

Care of an animal shall include, but not be limited to, adequate heat, ventilation, sanitary shelter, wholesome food and water, consistent with the normal requirements and habits for an animal of that species, breed and size. (Ord. No. 594, 12/15/81, 2)

Sec. 4-403. Duty of Animal Control Officer -- Payment of expenses by owner.

In the event that the Animal Control Officer finds an animal whose treatment or care does not meet the requirements of this Article, the Animal Control Officer shall have the authority forthwith to impound said animal for proper treatment and care at the owner's expense, or to euthanize said animal when necessary to prevent further suffering. Return of the animal to the owner may be withheld until full payment of expenses has been received. Return of the animal without full payment does not relieve the owner of liability for said expenses. (Ord. No. 594, 12/15/81, 3)

Sec. 4-404. Impounded animals.

Any animal impounded hereunder and not claimed by its owner within three (3) days of impoundment shall become the property of the Animal Control Authority. Such animals may be euthanized, or may be placed in the custody of some person deemed to be a responsible and suitable owner, who shall agree to comply with all Town ordinances and regulations in respect therewith. (Ordinance No. 832 11/9/2013, 1)

CHAPTER 5.
BUILDING REGULATIONS. ¹⁴
Article I. Codes Administration

- § 5-101. Creation of Department
- § 5-102. Duties of Department
- § 5-103. Penalties

Article II. Building Code.

- § 5-201. Minimum standards.
- § 5-202. International Building Code.
- § 5-203. Amendments, supplements, or editions of the IBC and DBA.
- § 5-204. Permit required.
- § 5-205. Duties specified in the IBC.

Article III. International Fire Code.

- § 5-301. International Fire Code.
- § 5-302. Duties specified in the IFC.

Article IV. Mechanical Code.

- § 5-401. International Mechanical Code.
- § 5-402. Conflicts between Code and International Code.
- § 5-403. Mechanical Contractor License.
- § 5-404. Term.
- § 5-405. Supervision.
- § 5-406. Fees.
- § 5-407. Qualifications of Licensee.
- § 5-408. Application.
- § 5-409. Apprentice.
- § 5-410. Records.
- § 5-411. License revocation or suspension.

Article V. Plumbing Code.

¹⁴ As to fire prevention and protection, see Chapter 8 of this Code; as to subdivisions, see Chapter 13 of this Code; as to planning and zoning, see Chapter 15 of this Code; as to the authority of municipalities to adopt International codes, see Wyo. Stat. §15-1-119.

- § 5-501. International Plumbing Code.
- § 5-502. Amendments, supplements or editions of the IPC.
- § 5-503. Same -- Power to make special rules and regulations.
- § 5-504. Permits -- Requirements for application.
- § 5-505. Same -- to be kept on premises; work not to be covered before inspection.
- § 5-506. Same -- Not required for minor repair work; definition.
- § 5-507. Fixtures -- Items constituting.
- § 5-508. Unlawful to throw garbage, etc., into sewer.
- § 5-509. Plumber's license -- Required; master plumber, journeyman plumber, and plumbing contractor defined.
- § 5-510. Same -- Application; fee; bond -- Journeyman plumber's license -- Examinations.
- § 5-511. Single Project Contractor License.
- § 5-512. Owner may do own work without license provided work passes inspection.
- § 5-513. Inspections -- International Plumbing Code is applicable.
- § 5-514. Duty of Plumbing Inspector upon notification of a violation.
- § 5-515. Duty of Plumbing and Heating Inspector to inspect old work upon complaint -- Duty of owner to repair.
- § 5-516. Mobile home parks -- International Plumbing Code is applicable
- § 5-517. Same -- Sewer service connections.
- § 5-518. Gas piping and connections.
- § 5-519. Limited Installer License.
- § 5-520. License Revocation or Suspension.
- § 5-521. Violations.
- § 5-522. Penalties.

Article VI. Uniform Code for Building Conservation.

- § 5-601. Adoption of Uniform Code for Building Conservation.

Article VII. Uniform Code for Abatement of Dangerous Buildings.

- § 5-701. Uniform Code for the Abatement of Dangerous Buildings.

Article VIII. Mobile Home Placement.

- § 5-801. Definitions.
- § 5-802. Permits required.
- § 5-803. Same -- Exemptions.
- § 5-804. Fees.
- § 5-805. Same -- Conditions for approval.

- § 5-806. Certification by Building Inspector required -- Information to be provided -- Inspection prior to occupancy.
- § 5-807. General regulations.
- § 5-808. Modular Building requirements.
- § 5-809. Temporary mobile home placement permits.
- § 5-810. Severability.
- § 5-811. Building Permits.

Article IX. Flood Damage Prevention.

- § 5-901. Findings of fact.
- § 5-902. Statement of purpose.
- § 5-903. Methods of reducing flood losses.
- § 5-904. Definitions.
- § 5-905. Lands to which this Article applies.
- § 5-906. Basis for establishing the areas of special flood hazard.
- § 5-907. Compliance.
- § 5-908. Abrogation and greater restrictions.
- § 5-909. Interpretation.
- § 5-910. Warning and disclaimer of liability.
- § 5-911. Establishment of development permit.
- § 5-912. Designation of the Town of Thermopolis Building Inspector.
- § 5-913. Duties and responsibilities of the Town of Thermopolis Building Inspector.
- § 5-914. Variance Procedure.
- § 5-915. Provisions for flood hazard reduction.
- § 5-916. Specific Standards.
- § 5-917. Floodways.

Article X. Above Ground Fuel Tanks.

- § 5-1001. Plans and Approval.
- § 5-1002. Dispensing.
- § 5-1003. Tank(s).
- § 5-1004. Concrete vault.
- § 5-1005. Piping.
- § 5-1006. Tank Venting.
- § 5-1007. Electrical.
- § 5-1008. Safety.
- § 5-1009. Compliance and Inspection.
- § 5-1010. Violation and Enforcement.
- § 5-1011. Other laws.

Article XI. Marquees, Canopies, and/or Fixed Awnings

- § 5-2001 Revocable Licenses.
- § 5-2002 License Issuance.
- § 5-2003 Definitions and Construction Requirements.
- § 5-2004 Severability.
- § 5-2005 Conflicting Ordinances Repealed.

ARTICLE I. CODES ADMINISTRATION.

Sec. 5-101. Creation of Department.

There is hereby created the Department of Codes Administration, the department head for which shall be the Codes Administrator, and shall contain such other Town employees as the governing body shall from time to time establish through policies, pay scales and job descriptions. (Ord. No. 691, 1/16/92, 1)

Sec. 5-102. Duties of Department.

(a) The Department of Codes Administration, through the Codes Administrator, or his designee, shall be responsible for the administration and enforcement of the International Building Code, International Residential Code, International Existing Building Code, International Fire Code, International Property Maintenance Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code, NFPA 58 Liquefied Petroleum Gas Code, NFPA 54 National Fuel Gas Code, the Uniform Code for Building Conservation and the Uniform Code for the Abatement of Dangerous Buildings. The Department shall also be responsible for administration of Chapter 5 (Building regulations), Chapter 13 (Subdivisions) and Chapter 15 (Zoning) of the Thermopolis Town Code and administration of the National Flood Insurance Program (FEMA) for the Town of Thermopolis.(Ord. No. 691, 1/16/92, 2, Ord No. 768, 7/1/03, 3)

(b) Whenever the word “jurisdiction” is used in the adopted codes, it is the Town of Thermopolis, County of Hot Springs, Wyoming. (Ord. No. 708, 1/3/95, 7(b), Ord. No. 768, 7/1/03, 4)

(c) Whenever the title “administrative authority”, “authority having jurisdiction”, “building official”, “code official”, or similar designation, “fire code official”, “chief of the bureau of fire prevent”, “fire chief”, “chief”, “fire preventions engineer”, “fire marshal” or similar title designation is referred to in these Codes, it should be read to mean the Codes Administrator. (Ord. No. 708, 1/3/95, 7(c) Ord. No. 768, 7/1/03, 4)

(d) The person(s) performing duties specified in the International Building Code, International Residential Code and International Existing Building Code shall be (i) certified as a Certified Building Inspector and Certified Plans Examiner by the International Conference of Building Officials or the International Code Council; or (ii) shall have at least 10 years experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, five years of which shall have been supervisory experience. The person(s) should be certified as a building official through a recognized certification program. (Ord. No. 768, 7/1/03,4, Ord. No. 778, 6/16/05)

(e) The persons(s) performing duties specified in the International Fire Code shall be certified as a Certified Fire Inspector by the International Conference of Building Officials or the International Code Council. (Ord. No. 768, 7/1/03, 4)

Sec. 5-103. Penalties.

Any person who violates any of the provisions of this Article or the Codes hereby adopted, or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Town of Thermopolis or order made on appeal from the Town or by a court of competent jurisdiction shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than Seven Hundred Fifty Dollars (\$750.00). The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a prescribed time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. Application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 708, 1/3/95, 8, Ord. No. 768, 7/1/03, 5) (Ord. No. 800, 5/10/07)

ARTICLE II. BUILDING CODE.

Sec. 5-201. Minimum standards.

The purpose of this Article is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the Town. (Ord. No. 533, 6/1/76, 2)

It is the intent of this Article to establish minimum standards for the Town of Thermopolis as prescribed by the fire and life safety provisions of the International Building Code, International Residential Code, International Existing Building Code, the International Fire Code, International Property Maintenance Code, International Mechanical Code, International Plumbing Code, International Fuel Gas Code and the current edition of NFPA 58 Liquefied Petroleum Gas Code and NFPA 54 National Fuel Gas Code for the regulation of liquefied petroleum gas installations. (Ord. No. 768, 7/1/03,1)

Sec. 5-202. Adopted Codes.

(a) The fire and life safety provisions of the following codes and appendix chapters are hereby adopted exclusive of the appellate process for building permits, structural provisions and structural plan review. (Ordinance No. 857 9/17/2019, 1)

(b) Thermopolis Town Code presently sets forth specific procedures for building permit fees, appeals of the building permit process, a board of appeals and electrical codes and does hereby supersede and specifically exclude all such specific sections of the International Code from adoption. (Ordinance No. 857 9/17/2019, 1)

(c) In any areas where the Town Code has specific code requirements that conflict with provision of the adopted International Code Editions, the more stringent requirement shall apply. (Ordinance No. 857 9/17/2019, 1)

(d) The following International Codes have been adopted:

- (i) International Building Code
- (ii) International Residential Code
- (iii) International Existing Building Code
- (iv) International Fire Code
- (v) International Property Maintenance Code
- (vi) International Mechanical Code
- (vii) International Plumbing Code
- (viii) International Fuel Gas Code
Section 101.2.4 LP-gas equipment and piping systems.

The adopted volume of the International Codes is 2018 and Editions are published by the International Code Council.

- (ix) NFPA Liquified Petroleum Gas Code (2017 volume)
 - (x) NFPA National Fuel Gas Code (2017 volume)
- (Ordinance No. 857 09/17/2019, 1)

(e) The following are exceptions to the adoption of the codes listed above:

- (i) International Building Code 15.11.3.1.1
- (ii) International Building Code Chapter 13

(f) All other references in the Thermopolis Town Code to any Code Standards shall refer to the applicable International Code as adopted herein. (Ordinance No. 857 9/17/2019, 1)

Sec. 5-203. Amendments, supplements, or editions of the IBC, IRC, IEBC, IFC, IPMC, IMC, IPC, IFGC, NFPA 58 NFPGC and NFPA 54 NFGC.

It shall be the duty of the Governing Body to adopt by ordinance any subsequent amendments, supplements, or editions of the **IBC, IRC, IEBC, IFC, IPMC, IMC, IPC, IFGC, NFPA 58 NFPGC and NFPA 54 NFGC** when such occur and are deemed relevant. (Ord. No. 635, 12/3/85, 2),(Ord. No. 768, 7/1/03,3)

Sec. 5-204. Permit required.

(a) It shall be unlawful for any person, firm or corporation to begin a construction project or job until such person, firm or corporation has secured a permit from the appropriate authority to do said work or to construct said building. A building permit shall consist of written authority given by the Town to build, construct, alter, move, improve, remove, repair, convert, demolish or locate any building or structure or appurtenances thereto within the limits of the Town. (Ord. No. 635, 12/3/85, 2), (Ord. No. 801, 8/1/07)

(b) The Town Clerk shall collect a fee for each Code compliance review, building permit, plumbing permit, and mechanical permit along with any other permit required by the Building Official in the amount shown on Exhibit A of Appendix G. Permit fees may be adjusted by the Town from time to time as set forth in the adopted International Codes or as recommended to the Town by the Building Official. Such adjustments shall be made by the Mayor and Town Council by Resolution. (Ord. No. 768, 7/1/03, 4), (Ord. No. 813, 12/1/07)

(c) The Building Official shall make all final decisions on Code Compliance reviews, building permits, plumbing permits, mechanical permits, and any other construction related permit. The permit requirements shall be as per Exhibit B of Appendix G. Exhibit B shall remain in effect except as modified by the subsequent adoption of the International Code Editions. However, no permit shall be required for residential reroofing, residing and the replacement of existing windows and/or doors in Group R, Division 3 and Group U occupancies. The Town Code requirement for fence permits shall take precedence over all International Building Code sections excepting fences from fence permit requirements. (Ord. No. 768, 7/1/03,4),(Ord. No. 813, 12/1/07)

(d) Where there is a conflict between Town Building, Town Zoning and other Ordinances, the Town Building Official shall require the more stringent standard.

(i) Applicants for Town Building permits assume all expense, responsibility and liability for locating and complying with any applicable covenants, without regard to the issuance or denial of a building permit.

(e) No building permit shall be issued for any building, structure or appurtenance on any unplatted property in the Town except upon written application with complete plans, and a survey plat or survey map showing in detail all proper approaches to street and alleys such that the survey plat or map may be recorded with the County Clerk as a plat of record upon which all required dedications to the Town of such streets and alleys may be recorded. The building permit may be issued upon evidence that applicant is procuring a survey plat or survey map and the building permit remains contingent upon completion. The issued building permit shall be issued contingent upon the acceptance of the streets, alleys and approaches by vote of the Town Council.

(i) "Plat of Record" means a map, plan, survey or chart of any land consisting of one, two or more lots, tracts, parcels or other division of land for the purpose of annexation, transfer of ownership, or for building or other development, prepared to scale, and on file in the office of the County Clerk.

(ii) A plat of record, evidence of preparation of a plat of record or a satisfactory agreement to obtain a plat of record is a requirement for the Town Code Administration Office to assign the official street address designation.

(iii) An issued building permit upon unplatted property in the Town shall also be contingent upon the permittee providing copies of binding easements should the permittee propose utilizing adjoining property for access, sewers, drainage sewer lines, power lines, gas lines, water lines or other utilities. (Ord. No. 801, 8/1/07)

(f) Any person, firm, or corporation convicted of violating this section is guilty of a misdemeanor punishable as provided in Section 5-103 of the Thermopolis Town Code. (Ord. No. 801, 8/1/07,2)

Sec. 5-205. Duties specified in the IBC,IRC,IEBC.

The person(s) performing duties specified in the International Building Code, International Residential Code and International Existing Building Code shall be (i) certified as a Certified Building Inspector and Certified Plans Examiner by the International Conference of Building Officials or the International Code Council; or (ii) shall have at least 10 years experience or equivalent as an architect, engineer, inspector, contractor or superintendent of construction, or any combination of these, five years of which shall have been supervisory experience. The person(s) should be certified as a building official through a recognized certification program. (Ord. No. 778, 6/16/05)

ARTICLE III. FIRE CODE.

Sec. 5-301. International Fire Code.

That certain documents, one copy of which is on file and is open for inspection of the public in the office of the Codes Administrator of the Town of Thermopolis, being marked and designated as: INTERNATIONAL FIRE CODE, except as amended as follows:

Chapter 1 Administration

Delete Sections: 103.1, 103.2, 103.3, 105. (Ord. No. 768, 7/1/03)

Sec. 5-302. Duties specified in the International Fire Code (IFC)

The person(s) performing duties specified in the IFC shall be currently certified by the International Conference of Building Officials and Western Fire Chiefs Association as a “Certified Fire Code Inspector”. (Ord. No. 708, 3/1/95, 7(e), Ord. No. 768, 7/1/03)

ARTICLE IV. MECHANICAL CODE.

Sec. 5-401. International Mechanical Code.

That certain document, one copy of which is on file and is open for inspection of the public in the office of the Codes Administrator of the Town of Thermopolis, being marked and designated as: INTERNATIONAL MECHANICAL CODE, except as amended as follows:

Chapter 1 Administration

Delete Sections: 103.1, 103.2, 103.3, 106.1, 106.2, 107
(Ord. No. 768, 7/1/03)

Sec. 5-402. Conflicts between Code and International Code.

In the event of a conflict between a provision of the International Codes and a Town ordinance or Code section, the more restrictive/stringent provision shall apply. (Ord. No. 588, 5/5/81, 2),(Ord. No. 802, 8/1/07)

Sec. 5-403. Mechanical Contractor License.

Any person, firm or corporation shall obtain a mechanical contractor license by making application in writing to the Town Clerk, accompanied by a fee of \$100.00 and corporate surety bond with a corporate surety thereon authorized to do business in the State of Wyoming for the penal sum of \$5,000.00, conditioned on the faithful performance and

observance of all the regulations and codes of the Town concerning or relating to the installation, alteration, repair, relocation or replacement of heating, ventilating or air conditioning projects and conditioned further to indemnify and save harmless the Town for any and all loss caused, damages, and expenses and liabilities of any kind which the Town may suffer or which may accrue against or be charged to or recovered from the Town by reason of anything done or omitted by the person, firm or corporation licensed by the Town to perform mechanical contracting work therein, or any agent or employee of such person, firm or corporation licensed to do mechanical contracting in the Town.

Sec. 5-404. Term.

Said license shall be valid for a term of one year from the date of issuance, or may be prorated to any date determined by the Town, and any renewal license issued thereafter shall cost \$50.00 per annum, excepting that a license may be issued for one heating, ventilating and air conditioning job only upon application, therefore, accompanied by a fee of \$100.00.

Sec. 5-405. Supervision.

All work performed under the mechanical contractor license shall be under the direct supervision of a person or employee possessing a valid master mechanical license, however, no person performing mechanical work on property which such person owns in whole or in part and in which such person actually resides and which is occupied only by such owner's immediate family and guests shall be required to be licensed to perform such work on such property.

Sec. 5-406. Fees.

A person, firm or corporation possessing both a plumbing and mechanical contracting license shall pay both \$100.00 application fees, however, only one \$5,000.00 bond and \$50.00 renewal fee will be required to maintain both licenses simultaneously. All work performed by a person, firm or corporation possessing a mechanical and plumbing contractor licenses simultaneously shall insure that all mechanical work and plumbing work shall be under the direct supervision of a person or employee possessing a valid master mechanical license and/or valid master plumber license respectfully, and each must supervise only the work for which they are licensed.

Sec. 5-407. Qualifications of Licensee.

(a) Any person, firm or corporation shall obtain a Plumbing and/or Mechanical Contractor License, prior to performing any plumbing or mechanical work in the Town of Thermopolis, by making application to the Town Clerk, declaring at least one member of that organization as master of record who is in possession of an applicable Master license,

accompanied by a fee of \$100.00 and shall be required as a condition of receiving and holding said license to maintain, at all times, and shall file with the Town Clerk, proof of liability insurance, issued by a company licensed to do business in the State of Wyoming, of a minimum limit of not less than \$300,000.00 for one incident.

(b) Said contractor license shall be valid for a term of one year from the date of issuance, or may be prorated to any date determined by the Town, and any renewal license issued thereafter shall cost \$50.00 per annum.

(c) The declared master of record shall supervise and be held responsible for code compliance of all work performed under said license.

(d) A person, firm or corporation possessing said contractor license may perform plumbing work for hire provided a plumbing master of record is declared, may perform mechanical work for hire provided a mechanical master of record is declared or may perform plumbing and mechanical work for hire provided both a plumbing and mechanical master of record is declared. The master of record declared may be one person possessing both licenses; however, if both are performed the contractor license fee and insurance requirement shall be the same as if one is performed.

(e) All persons, firms or corporations holding a contractors license shall declare and keep current in records of the Town Clerk the name(s) of the persons(s) in their employ possessing a valid master plumbing and/or master mechanical license, designated as the master of record, and proof of insurance. (Ord. No. 769, 7/1/03,3)

Sec. 5-408. Application.

Any person may obtain a Master Plumber and/or Master Mechanical license from the Town of Thermopolis by presenting proof of possession of the respective master plumbing and/or master mechanical certification from the Wyoming Trades Certification Program administered by the Wyoming Association of Municipalities and paying to the Town Clerk the sum of \$5.00. Said license shall be valid for a term of one year from the date of issuance, or may be prorated to any date determined by the Town, and any renewal license issued thereafter shall be valid for a period of one year and cost \$5.00 per annum. Persons in possession of a Master Plumber and/or Master Mechanical license on the date of the adoption of this ordinance shall have those licenses held valid by the Town until that license expires. Any Master Plumber and/or Master Mechanical license not renewed within one year from the expiration date shall not be renewed, thereafter, until proof of possession of the respective master plumbing and/or master mechanical certification from the Wyoming Trades Certification Program is presented and the fee of \$5.00 is paid. (Ord. No. 769, 7/1/03, 2)

Sec. 5-409. Apprentice.

Any apprentice working on any kind of a heating, ventilating or air conditioning job must be under the direct and absolute supervision of a licensed master or journeyman licensed as above, and furthermore, any person, firm or corporation acquiring a mechanical contractors license shall be at all times required to have a person possessing a master mechanical license in charge of any and all work, as a condition for the maintenance of his or its mechanical contractors license.

Sec. 5-410. Records.

All persons, firms or corporation shall declare and keep current in records of the Town Clerk the name of the person possessing a valid master mechanical license, who is in charge of work performed under the contractor's license and bond.

Sec. 5-411. License Revocation or Suspension.

Any license issued hereunder to a plumbing and/or mechanical contractor, master plumber, journeyman plumber or mechanical person or master mechanical person or limited installer may be revoked or suspended, after notice and hearing by the Town Council of the Town of Thermopolis for failing to comply with or violating any provision of this Article or the International Mechanical or Plumbing Code. The notice and hearing shall be pursuant to the Wyoming Administrative Procedures Act. A person whose license has been revoked shall not receive a new license within six (6) months after the revocation becomes final. The applicant must retake the examination and pay the fee therefore. The suspension or revocation of a license shall not entitle the holder thereof to a refund of any part of the license fee for which he may have paid.

ARTICLE V. PLUMBING CODE.

Sec. 5-501 International Plumbing Code

That certain documents, one of which is on file and is open for inspection of the public in the office of the Codes Administrator of the Town of Thermopolis, being marked and designated as: INTERNATIONAL PLUMBING CODE, except as amended as follows:

Chapter 1 Administration

Delete Sections: 103.1, 103.2, 103.3, 106.1, 106.2, 107

(Ord. No. 768, 7/1/03)

Sec. 5-502. Amendments, supplements or editions of the International

Plumbing Code (IPC)

It shall be the duty of the Governing Body to adopt by ordinance any subsequent amendments, supplements or editions of the IPC when such occur and are deemed relevant. (Ord. No. 768, 7/1/03)

Sec. 5-503. Same -- Power to make special rules and regulations.

In case of conflict or ambiguity in any part of this Article, or where the details of a proposed installation are not specifically covered, or whenever the public health and sanitation so require, the Administrative Authority shall have the power to make special rules and regulations covering each special case, and shall be guided by the International Plumbing Code (hereinafter IPC) and consideration of conditions unique to the Town of Thermopolis. (Ord. No. 528, 1/7/76, 1, Ord. No. 768, 7/1/03)

Sec. 5-504. Permits -- Requirements for application.

It shall be unlawful for any person, firm or corporation to begin a job of plumbing work until such person, firm or corporation has secured from the Inspector a permit to do said work, except as otherwise specified. In order to secure said permit, the applicant shall make a written application upon blanks furnished for that purpose by the Town Clerk. Said application shall show the name of the owner or agent of the premises, lot, block and addition, street and number and name of the person having charge of the plumbing work, also sketches and description of the work to be done, setting forth the number and kind of fixtures already installed, other requirements of the International Plumbing Code, and the permittee shall be charged in accordance with the I.P.C. for each permit. Upon compliance with the above conditions, the Inspector may issue a permit to such person, authorizing such work. (Ord. No. 657, 1/3/89, 2)

Sec. 5-505. Same -- To be kept on premises; work not to be covered before inspection.

It shall be the duty of the person in charge of the plumbing work to keep all permits on the premises where the work is being done for which said permit or permits were issued until such time as the work is completed, tested and accepted by the Administration. It shall be unlawful to cover up any work before the same has been tested and accepted by the Inspector. (Ord. No. 438, 10/3/60, 9)

Sec. 5-506. Same -- Not required for minor repair work; definition.

No permit shall be required for minor repair work. Minor repair work means the repair of leaks in pipes, traps, hydrants, valves or cocks, opening waste or supply pipes, traps or drains or replacing broken fixtures or frozen pipes, traps inside of the walls of

buildings, provided that where pipes or fixtures are changed and inspection is necessary, permits must be taken out and the Inspector notified to inspect before the work is covered up. (Ord. No. 438, 10/3/60, 11)

Sec. 5-507. Fixtures -- Items constituting.

Fixtures herein referred to shall consist of hydrants, fountains, laundry tubs, sinks, washbowls, baths, urinals, water closets, toilets, dishwashers, automatic washing machines, air conditioners using water, and any type of equipment and fixtures using water, water heaters, washing machines, gas dryers or heaters, and heating in general where water or steam is used. (Ord. No. 438, 10/3/60, 10)

Sec. 5-508. Unlawful to throw garbage, etc., into sewer.

It shall be unlawful to throw or deposit, or cause or permit to be thrown or deposited in any vessel or receptacle connected with a public sewer, any garbage, hair, ashes, fruit or vegetable peelings, or kitchen refuse of any kind, rags, cotton, cinders, or any other matter or thing whatsoever except liquid house slops and those natural wastes which should naturally be deposited in the closets or other fixtures. (Ord. No. 438, 10/3/60, 19)

Sec. 5-509. Plumber's license -- Required; master plumber, journeyman plumber, and plumbing contractor defined.

(a) No person shall engage in or work at the business of a master plumber, who is hereby defined to be any person skilled in plumbing, superintending, and the practical installation of plumbing and familiar with the laws, rules, and regulations and practices governing the same, or journeyman plumber, who is hereby defined to be any person other than a master plumber who, as his principal occupation, is engaged in the practical installation of plumbing, and, furthermore, no person, firm, or corporation shall engage in or work at the business of a plumbing contractor for hire within the Town, a plumbing contractor being hereby defined to be any person, firm, or corporation engaged in the business of installing plumbing, heating, and related equipment for hire, unless licensed to do so as hereinafter provided.

(b) Any and all persons working under a licensed contractor shall have and possess either a master plumber's license or a journeyman's license, excepting apprentices, who shall be working under the direct supervision of a duly licensed master plumber or a journeyman plumber at all times. (Ord. No. 438, 10/3/60, 4, 6)

(c) Any person may obtain a Master Plumber and/or Master Mechanical license from the Town of Thermopolis by presenting proof of possession of the respective master plumbing and/or master mechanical certification from the Wyoming Trades Certification

Program administered by the Wyoming Association of Municipalities and paying to the Town Clerk the sum of \$5.00. Said license shall be valid for a term of one year from the date of issuance, or may be prorated to any date determined by the Town, and any renewal license issued thereafter shall be valid for a period of one year and cost \$5.00 per annum. Persons in possession of a Master Plumber and/or Master Mechanical license on the date of the adoption of this ordinance shall have those licenses held valid by the Town until that license expires. Any Master Plumber and/or Master Mechanical license not renewed within one year from the expiration date shall not be renewed, thereafter, until proof of possession of the respective master plumbing and/or master mechanical certification from the Wyoming Trades Certification Program is presented and the fee of \$5.00 is paid. (Ord. No. 769, 7/1/03, 2)

Sec. 5-510. Same -- Application; fee; bond -- Journeyman plumber's license -- Examinations.

(a) Any person, firm or corporation shall obtain a Plumbing and/or Mechanical Contractor License, prior to performing any plumbing or mechanical work in the Town of Thermopolis, by making application to the Town Clerk, declaring at least one member of that organization as master of record who is in possession of an applicable Master license, accompanied by a fee of \$100.00 and shall be required as a condition of receiving and holding said license to maintain, at all times, and shall file with the Town Clerk, proof of liability insurance, issued by a company licensed to do business in the State of Wyoming, of a minimum limit of not less than \$300,000.00 for one incident.

(b) Said contractor license shall be valid for a term of one year from the date of issuance, or may be prorated to any date determined by the Town, and any renewal license issued thereafter shall cost \$50.00 per annum.

(c) The declared master of record shall supervise and be held responsible for code compliance of all work performed under said license.

(d) A person, firm or corporation possessing said contractor license may perform plumbing work for hire provided a plumbing master of record is declared, may perform mechanical work for hire provided a mechanical master of record is declared or may perform plumbing and mechanical work for hire provided both a plumbing and mechanical master of record is declared. The master of record declared may be one person possessing both licenses; however, if both are performed the contractor license fee and insurance requirement shall be the same as if one is performed.

(e) All persons, firms or corporations holding a contractors license shall declare and keep current in records of the Town Clerk the name(s) of the persons(s) in their employ possessing a valid master plumbing and/or master mechanical license, designated as the master of record, and proof of insurance. (Ord. No. 769, 7/1/03,3)

(f) If any applicant is a corporation or partnership, the officers signing for such corporation or partnership shall also tender, with the application for license, an affidavit under oath to the effect that he or they are a member or members or stockholder or stockholders of the firm or corporation. No duly licensed plumbing and heating contractor shall allow his name to be used by any person, directly or indirectly, either to obtain a license to do plumbing work or otherwise to do any work under his license and bond, excepting by a competent, qualified master plumber or journeyman plumber who has also procured a license from the Town. All journeyman plumbers shall make application for a license when working for a licensed contractor and shall pay therefore \$5.00 per annum. A master plumber who does not possess a contractor's license also shall procure a license from the Town by making application therefore when working for and under a licensed contractor and shall pay for such license \$5.00 per annum. Any person, firm, or corporation making application for such licenses, or authorized agent of a corporation or partnership or other business entity, shall take an examination of the same kind and pass the same. Any apprentice working on any kind of a plumbing job must be under the direct and absolute supervision of a licensed master plumber or journeyman plumber, and furthermore, any person, firm, or corporation acquiring a contractor's plumbing and heating license shall be at all times required to have a licensed master plumber in charge of any and all work, as a condition for the maintenance of his or its license. (Ord. No. 438, 10/3/60, 5; Ord. No. 528, 1/7/76, 5)

(g) All persons planning to take an examination under the terms of this Article shall be required to pay a testing fee upon application in the amount of \$45.00, such fee reasonably to cover the cost of administering the examination of persons applying for apprentice, journeyman, master plumbing license or other license herein provided.

(h) Upon approval of the bond heretofore provided for, and the payment of any fee or fees to the Town Treasurer, and the applicant passing the examination, it shall be the duty of the Town Clerk or other persons properly authorized to issue to the applicant a properly designated license. Any person, firm, or corporation desiring to engage in the business of plumbing and heating in the Town, and having acquired the necessary license therefore, shall have his or their full name, residence, and place of business registered with the Inspector, and in case of removal or change of such residence or place of business, or name of any firm or corporation, he or they or it shall notify the Inspector at once of such change, and each and every plumber doing any business in the Town must faithfully observe all the provisions of this Article and any other laws of the Town pertaining to plumbing, and all plumbing and heating work must be executed in a workmanlike manner. (Ord. No. 438, 10/3/60, 6; Ord. No. 555, 4/12/79, A, B, C, D, F)

Sec. 5-511. Single Project Contractor License

A person, firm or corporation may make application to the Town for a Single Project Contractor License, in lieu of other required contractor license(s), to perform work, from start to completion of a single project, accompanied by a fee of \$50.00. The Town shall issue a license to perform work on a single project defined in the application. The single project shall be defined on the license and the license shall expire upon completion of same. The person, firm or corporation holding a single project license shall not perform work for another property owner or at any other location within the Town. The Town shall not require proof of insurance or a master of record for the single Project License and the owner of the project, stated on the license, may regulate insurance and qualification requirements of the person, firm or corporation issued the license. (Ord. No. 769, 7/1/03,4)

Sec. 5-512. Owner may do own work without license provided work passes inspection.

(a) Nothing in this Article shall be construed in any way to prohibit a person from doing plumbing and heating, whether the same be new or repair work, in and upon his or her own property, provided such work passes the inspection of the Inspector, but any such person cannot take out a permit to do plumbing and heating work himself and then hire such work done by an unlicensed person. (Ord. No. 438, 10/3/60, 7)

(b) No person performing installation or maintenance of plumbing or mechanical (HVAC) systems on property which that person owns in whole or in part shall be required to be licensed pursuant to this ordinance by the Town of Thermopolis, however, that person shall obtain all applicable permits and comply with all applicable ordinances and codes . (Ord. No. 769, 7/1/03,7)

Sec. 5-513. Inspections -- International Plumbing Code is applicable.

The IPC shall govern tests and inspections of plumbing work under the provisions of this Article. (Ord. No. 528, 1/7/76, 7, (Ord. No. 768, 7/1/03)

Sec. 5-514. Duty of Plumbing Inspector upon notification of a violation.

It shall be the duty of the Inspector to investigate all cases reported or referred to him in writing of the use of imperfect material or workmanship on any job of plumbing work or the violation of the provisions of this Article, whether by a master or a journeyman plumber, builder or owner, and he shall stop any such work and require the defective material or workmanship to be replaced in such manner as to comply with this Article. (Ord. No. 438, 10/3/60, 15)

Sec. 5-515. Duty of Plumbing and Heating Inspector to inspect old work upon complaint -- Duty of owner to repair.

Upon any written complaint it shall be the duty of the Inspector to make inspection of old plumbing work in order to ascertain whether or not the same is defective or in any unsanitary condition. The Inspector shall have free access to examine and verify relative to the existence of defective or unsanitary plumbing, and it shall be his duty to notify, in writing, the agent or owner of the premises on which the defective or unsanitary plumbing is found, and forthwith to cause such plumbing to be changed and made to conform with the requirements of this Article or any other Article pertaining to plumbing. Such agent or owner is hereby required within ten days after receiving such notification to comply therewith, and in case such agent or owner fails to do so, he will be considered as violating the provisions of this Article, and it shall be the duty of the Inspector to make complaint against such agent or owner and cause him to be prosecuted. (Ord. No. 438, 10/3/60, 16)

Sec. 5-516. Mobile home parks -- International Plumbing Code is applicable.

The IPC is deemed wholly applicable regarding mobile homes and mobile home parks. (Order No. 528, 1/7/76, 10A, (Ord. No. 768, 7/1/03)

Sec. 5-517. Same -- Sewer service connections.

Each sewer service connection shall utilize a riser pipe of at least a four inch diameter which terminates at least four inches above the ground surface. Note: This does not apply to travel trailer connections. The tubing or piping connecting the mobile home drain outlet and the sewer riser pipe shall be non-collapsible, semi-rigid, and a minimum of three inches in diameter. Main sewage collection lines shall not be less than six inches in diameter. All materials used for sewer connections shall be corrosion resistant, non-absorbent and durable, in compliance with NSF requirements and have a smooth surface. Other types of sewer connections, such as those which utilize a screw type connection, are acceptable if they are water-tight, air-tight, and otherwise equivalent to the recommended connection. When the sewer connection is not in use, the bell of the riser pipe shall be capped with an airtight cap or plug. (Wooden or other similar non-specifically designed materials are prohibited for this use.) (Ord. No. 528, 1/7/76, 10B)

Sec. 5-518. Gas piping and connections.

Gas service piping must comply with the regulations and standards approved by the Federal Department of Transportation before gas service can be rendered. Where in conflict with the IPC, this Section shall govern. Following are the basic guidelines:

(a) The service line from the meter to the building shall be no less than one inch ID piping. Piping must be buried to a depth of 18 inches.

(b) The gas line must rise not more than 18 inches from the side of a mobile home. No buried gas line is to be under unit. Gas connector to mobile home is to be an approved

type flex connector, that is, a connector with testing laboratory mark of approval. Example: UL or AGA. Rigid pipe may be used to connect mobile homes if provisions for flexibility are made. A gas service line must enter a building above the ground.

(c) Riser at mobile home is to have gas valve in line at least 12 inches from ground.

(d) Gas lines must be coated steel pipe or plastic pipe which has been approved for gas piping. Plastic pipe must have minimum wall thickness of .090 inches. No plastic pipe is to be exposed above ground. (Ord. No. 657, 1/3/89, 5)

(e) Fittings of plastic to iron are to be of compression type with metal tubular inserts. Plastic threaded fittings are not allowed or insert fittings secured by steel clamps.

(f) Plastic lines must have tracer wire laid in ditch with gas line so service can be easily located. All metal parts of service line that are to be buried must be primed and wrapped with approved wrapping.

(g) Gas service lines must be pressure tested to a minimum of fifty (50) pounds per square inch and shall be continued for a length of time satisfactory to the Administrative Authority, but in no case for less than thirty (30) minutes. (Ord. No. 657, 1/3/89, 5)

(h) A qualified inspector must inspect the service line before it is buried. If an inspector is not available, the Wyoming Gas Company will provide this service at a reasonable charge.

(i) Gas lines are not to be laid in same ditch with any other utilities. Gas lines must be separated from other utilities by 24 inches laterally and 12 inches vertically. (Ord. No. 528, 1/7/76, 11, Ord. No. 768, 7/1/03)

Sec. 5-519. Limited Installer License.

(a) A person, firm or corporation may obtain a limited installer license, in lieu of a plumbing and/or mechanical contractor license, that limits that person, firm or corporation to the installation of a single type of plumbing or mechanical installation specified on the license.

(b) The Town Clerk may issue a Limited Installer License to any person, firm or corporation after receiving the sum of \$12.00 and assurance the Town Codes Administrator has notified the applicant of applicable code references.

(c) A Limited Installer License may be renewed annually by submitting to the Town Clerk a fee of \$12.00.

- (d) Limited Installer License may be issued for the following:
 - (i) Cross connection devices or back-flow preventers
 - (ii) Wood, Pellet or Gas Room Heaters
 - (iii) Other single installation categories that are approved by the Town Codes Administrator. (Ord. No. 769, 7/1/03,5,6,8,9)

Sec. 5-520. License Revocation or Suspension.

Any license issued hereunder to a plumbing and/or mechanical contractor, master plumber, journeyman plumber, mechanical person, master mechanical person or limited installer may be revoked or suspended, after notice and hearing by the Town Council of the Town of Thermopolis for failing to comply with or violating any provision of this ordinance or the International Plumbing or International Mechanical Code respectively. The notice and hearing shall be pursuant to the Wyoming Administrative Procedures Act. A person whose license has been revoked shall not receive a new license within six (6) months after the revocation becomes final. A person who applies for a new master plumber and/or master mechanical license after revocation or suspension shall present proof of possession of the applicable master certification from the Wyoming Trades Certification Program. The suspension or revocation of a license shall not entitle the holder thereof to a refund of any part of the license fee for which he may have paid. (Ord. No. 769, 7/1/03,5,6,8,9)

Sec. 5-521. Violations.

Upon receipt of a written and signed report of violation, of any provisions of this ordinance, the Town Codes Administrator shall verify the violation and refer to the Town Council for a hearing or Town Attorney for prosecution. (Ord. No. 769, 7/1/03,5,6,8,9)

Sec. 5-522 Penalties.

Any person, officer of a firm or corporation who violates any provision of this ordinance, fails to obtain or maintain the required license or does work that requires a license under the provisions of this ordinance, in addition to license revocation or suspension, is guilty of a misdemeanor, punishable by the fine of not more than \$750.00 plus court costs. (Ord. No. 769, 7/1/03,5,6,8,9), (Ord. No. 800, 5/10/07)

ARTICLE VI. UNIFORM CODE FOR BUILDING CONSERVATION.

Sec. 5-601. Uniform Code for Building Conservation.

That certain documents, one of which is on file and is open for inspection of the public in the office of the Town Clerk of the Town of Thermopolis, being marked and

designed as: UNIFORM CODE FOR BUILDING CONSERVATION, 1997 Edition, published by the International Conference of Building Officials, are hereby adopted by this reference as though fully set forth herein, excluding appendices, as the code of the Town of Thermopolis. (Ord. No. 708, 1/3/95, 5; Ord. No. 726, 1/20/98, 5)

ARTICLE VII. UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS.

Sec. 5-701. Uniform Code for the Abatement of Dangerous Buildings.

That certain documents, one of which is on file and is open for inspection of the public in the office of the Town Clerk of the Town of Thermopolis, being marked and designated as: UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 Edition, published by the International Conference of Building Officials, are hereby adopted by this reference as though fully set forth herein, excluding appendices, as the code of the Town of Thermopolis. (Ord. No. 708, 1/3/95, 6; Ord. No. 726, 1/20/98, 6)

ARTICLE VIII. MOBILE HOME PLACEMENT.

Sec. 5-801. Definitions.

(a) For the purpose of this Article, the following words shall have these meanings ascribed to them:

(i) Accessory Building -- Any awning, carport, cabana, storage cabinet, utility building, ramada, fence, windbreak, porch or factory built addition.

(ii) Awnings -- A shade structure supported by posts or columns and partially supported by a mobile home, installed, erected or used on a mobile home lot.

(iii) Building Inspector -- The authorized Building Inspector to the Town of Thermopolis, Wyoming.

(iv) Cabana -- A room enclosure erected or constructed adjacent to a mobile home for residential use by the occupant of the mobile home.

(v) Dead Load -- The weight of all permanent construction, including walls, floors, partitions, and fixed service equipment.

(vi) Designated -- In compliance with all applicable laws and regulations of the State of Wyoming and Town of Thermopolis.

(vii) Ground Anchors -- Devices placed in the ground such as cast-in-place concrete "dead-men" eyelets embedded in concrete slabs or runways, screw augers, arrowhead anchors, or other devices used to connect to tie-downs to stabilize mobile homes.

(viii) Live Load -- The weight superimposed by the use and occupancy of the mobile home including wind load and snow load but not including dead load.

(ix) Lot -- A parcel of land under one ownership with a single legal description used or capable of being used under the regulations of this Article and the Town zoning ordinance including both the building site and all required yards and other open space.

(x) Mobile Home -- A factory assembled movable dwelling over 45 (forty-five) feet in length and 8 (eight) feet in width, designed and constructed to be towed on, and permanently supported from, its own chassis. They may include 1 (one) or more components which can be retracted for towing and subsequently expanded for additional floor area, or 2 (two) or more units separately towable but designed to be joined into 1 (one) single unit. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For mobile homes built prior to June 15, 1976, a label certifying compliance to Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture shall be attached. Mobile homes may also be referred to as "Manufactured Home". (Ord. No. 693, 1/29/93, 2)

(xi) Mobile Home Park -- A parcel (or contiguous parcels) of land under one ownership which has been improved so that it contains two or more mobile home lots for residential use.

(xii) Modular Home -- A prefabricated home that is designed and built on an off-site location. Modular homes are not constructed with a chassis comprised of frame and wheels for easy transport. They are, instead, designed to be placed at a permanent location. Modular homes also need to conform to local building codes.

(xiii) Modular Building -- A structure composed of two or more pre-assembled major building sections fabricated at some location other than the site, which are designed as dependent units that must be joined at the site to form a usable single unified structure. The joining of two independent self-contained structures, or any one independent structure shall not constitute a modular building and must comply with International Building Code.

(xiv) Ramada -- Any free standing roof, or shade structure, installed or erected above an occupied mobile home or any portion thereof.

(xv) "R" Factor -- The thermal resistance of a material.

(xvi) Relocated Building -- A structure existing at some location within the Town which will be relocated to a new final site. This structure must meet all requirements of a modular building noted above. Each relocated building shall be considered separately by the Building Inspector as to its acceptability prior to transporting.

(xvii) Site -- Any lot or parcel of property located in the Town where the structure is to be located.

(xviii) Skirting -- Any type of wainscoting around the lower part of mobile homes between the ground and the exterior edge of the bottom of the mobile home, covering wheels and undercarriage.

(xix) Snow Loads -- The weight superimposed upon the roof by the accumulation of snow and other precipitation.

(xx) Tie Downs -- Any device designed for the purpose of anchoring a mobile home to ground anchors.

(xxi) Wind Loads -- The lateral or vertical pressure or uplift on the mobile home due to wind blowing in any direction. (693, 1/29/93, 1)

(b) All other definitions shall be the same as those set forth in "Standard for Mobile Homes, American National Standards Institute 119/1 - 1974." (Ord. No. 536, 9/16/76)

Sec. 5-802. Permits required.

No person, firm, or corporation shall set up, locate, or replace a mobile home or modular building on private land in the incorporated areas of Thermopolis, Wyoming, or cause the same to be done without first obtaining a mobile home placement permit from the Building Official of the Town of Thermopolis. All permits will require information as to location and size of lot, and make, size, year and serial number of mobile home. (Ord. No. 536, 9/16/76, 1, 2)(Ord. No. 811, 11/1/07,5)

Sec. 5-803. Same -- Exemptions.

Mobile homes placed in commercial mobile home sales, construction, or repair yards and not being used as dwellings, shall be exempt from this Article; and mobile homes

located in designated mobile home subdivisions shall be exempt from Section 5-805 below. (Ord. No. 536, 9/16/76, 5) (Ord. No. 811, 11/1/07,6)

Sec. 5-804. Same -- Fees.

(a) The fee for each mobile home placement permit shall be \$25.00 for single wide, \$50.00 for double wide, and \$75.00 for triple wide or wider, plus plumbing and electrical inspection fees. The permit fees for modular homes will apply as under the International Building Code adopted by the Town. Classification of mobile homes under the above permit system shall be within the discretion of the Building Inspector subject to review by the Governing Body of the Town.

(b) All building permit fees payable hereunder shall be divided with the Building Inspector on the same basis as provided in the Building Code Ordinance. (Ord. No. 536, 9/16/76, 4)

Sec. 5-805. Same -- Conditions for approval.

Before a mobile home placement permit may be approved, the following conditions must be met:

(a) The mobile home shall be placed on a permanent foundation consisting of one of the following.

(i) A continuous four inch deep concrete pad under the entire mobile home;

(ii) A continuous four inch deep by eight inch wide concrete runner, placed under each I-beam support;

(iii) A perimeter footing and foundation built to conform to the adopted Building Code of the Town; or

(iv) 24 inch by 24 inch by six inch concrete piers placed under the I-beams at intervals not greater than ten feet.

(b) The Building Inspector must approve foundations before placement of any mobile home.

(c) The mobile home shall be skirted around its entire perimeter, and water pipes shall be wrapped with heat tapes, or skirting shall be insulated to an "R" factor of nine. Minimum acceptable skirting requirements shall consist of masonry, masonite, aluminum, or wood or other comparable material approved by the Building Inspector. Masonry shall

be installed by customary methods with suitable mortar used as the adhesive agent. Masonite, wood, or aluminum skirting shall be installed as follows:

(i) A top and bottom rail consisting of one inch by two inch wood stringer. The top rail shall be attached with bolts or screws to the trailer bottom. The bottom rail shall be attached to ground support stakes, which will be a minimum of 12 inches in length and spaced at four foot maximum spacing.

(ii) Vertical one inch by two inch wood stringers or equivalent shall be attached to the top and bottom rail by means of bolts or screws. Vertical stringers will be installed at a maximum of every six feet.

(iii) The skirting material shall be firmly fastened to the top and bottom rails as well as the vertical stringers by means of bolts or screws.

(d) The mobile home shall be securely attached to the ground and ground anchors by not less than six "tie-downs." Each "tie-down" shall be connected to a ground anchor capable of withstanding a minimum uplift of 5,000 pounds, with one "tie-down" connected to each corner.

(e) The mobile home shall have the tongue, wheels, hitch and axle removed within 45 days of placement upon a foundation.

(f) The mobile home shall be properly connected to all utilities according to adopted Codes of the Town.

(g) The mobile home shall conform to all requirements of Chapter 15 of this Code.

(h) The mobile home shall conform to the adopted A.N.S.I. Code for the Northern area concerning live loads, snow loads, and wind loads.

(i) The mobile home shall comply with all parts of American National Standards Handbook 119.1 - 1974, a copy of which is on file at the Town Hall, unless otherwise controlled by this Article. (Ord. No. 536, 9/16/76, 7)

Sec. 5-806. Certification by Building Inspector required -- Information to be provided -- Inspection prior to occupancy.¹⁵

(a) All mobile homes must be certified by the Building Inspector to be in compliance with the American National Standards Institute A119.1/NFPA 501B. This

¹⁵ As to the State Mobile Home Warranty Act, see Chapter 18 of Title 35 of the Wyoming Statutes.

may be accomplished by the Building Inspector viewing the Blue and Gold Conformance stickers that appear on homes built by MHMA and TCA manufacturing members, or approved Quality Control Agencies, as certified by the International Conference of Building Officials, may certify as to the building construction of a particular mobile home or modular home.

(b) Compliance with structural standards of this Article shall be evidenced at the owner's or manufacturer's expense. The Building Inspector may require any information he deems necessary from the manufacturer or owner of the mobile home or modular home for which a placement permit is being requested in order to determine whether said mobile home or modular home is in compliance with this Article. The Building Inspector, prior to the occupancy of the mobile home or modular home, may inspect such mobile or modular home to determine if such occupancy for permanent living quarters complies with all provisions of this Article. (Ord. No. 536, 9/16/76, 2, 8)

Sec. 5-807. General regulations. ¹⁶

The following are additional regulations concerning mobile home placement:

(a) A mobile home shall not be placed on the same lot with another mobile home or another residential unit. (Ord. No. 536, 9/16/76, 6)

(b) There shall be no storage of any combustible material underneath any mobile home. (Ord. No. 536, 9/16/76, 9)

(c) Mobile homes shall have a roof system capable of withstanding a 20 pound per square foot uplift condition without buckling, flexing, or other objectionable movement. The use of externally applied weights, whether permanent or temporary, will not be allowed. (Ord. No. 536, 9/16/76, 1)

(d) Public services shall not be extended to mobile homes hereafter located in the Town unless said mobile homes have been issued a mobile home placement permit by the Building Inspector. (Ord. No. 536, 9/16/76, 11) ¹⁷

(e) Every mobile home accessory building or structure except awning shall be constructed in accordance with the applicable provisions of the adopted building codes of the Town, and shall be free standing and self supporting and anchored to the ground. The height of a cabana shall not exceed that of the mobile home except when constructed in conjunction with a ramada. Each room in a cabana shall have access to at least one exterior

¹⁶ As to planning and zoning, see Chapter 15 of this Code.

¹⁷ As to plumbing and heating requirements, see Section 5-418 of this Code.

door opening to the outside without passing through the mobile home. All vents must extend through the roof of the ramada. (Ord. No. 536, 9/16/76, 12)

(f) Mobile homes shall meet all requirements of this Article within 45 days of issuance of a placement permit. (Ord. No. 536, 9/16/76, 16)

Sec. 5-808. Modular building requirements.

All modular buildings located on private lots within the Town of Thermopolis shall comply with the following requirements:

(a) The undercarriage support structure used solely for transportation to the site shall be removed prior to installation of the building.

(b) The modular building shall be placed upon a permanent foundation constructed in accordance with the adopted Town Building Code.

(c) A permanent method of anchorage must be implemented which is in compliance with the Town Building Code.

(d) Modular units shall meet all requirements of Chapter 15 of this Code.

(e) Modular units shall comply with all sections of the adopted Town Building Code, including permit inspection standards.

(f) Modular buildings shall meet all requirements of this Article within 45 days of issuance of a placement permit. (Ord. No. 536, 9/16/76, 14, 15, 16)

Sec. 5-809. Temporary mobile home placement permits.

(a) The Building Inspector may issue a temporary mobile home placement permit during construction of a permanent facility when all of the following conditions are met:

(i) The mobile home will not be used as dwelling

(ii) The mobile home is located on the same lot as the construction.

(iii) A temporary placement permit will be exempt from Sections 5-805 to 5-807 and shall be valid for no more than six months from date of issuance. A temporary placement permit may be renewed at the discretion of the Building Inspector. (Ord. No. 536, 9/16/76, 17)

Sec. 5-810. Severability.

If any section, subsection, sentence, or clause of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Article. (Ord. No. 536, 9/16/76, 18)

Sec. 5-811. Building Permits.

(a) No person, firm or corporation shall set up, move, locate or relocate, place or replace any mobile home or modular building within a mobile home park, within a mobile home subdivision or upon any private lot or parcel within the Town of Thermopolis, Wyoming, or cause the same to be done without first obtaining a permit from the Office of the Town of Thermopolis Building Official unless exempted by Section 5-803 of this Article.

(b) All proposals to build, construct, alter, move, improve, remove, repair, convert, demolish or locate any building or structure or appurtenance within a mobile home park, mobile home subdivision or concerning a mobile home, modular home or modular building require a building permit prior to beginning. Modular building shall require a building permit prior to beginning except for situations covered under a mobile home permit issued under Section (a).

(c) Any building permits required by the above Section (a), shall be issued only if the proposed action is in compliance with all building, zoning and any other applicable sections of Thermopolis Town Code requirements existing at the time of application.

(d) Where there is conflict between Town Building code, Town Zoning and other Codes, the Building Official shall require the more stringent standard set forth in Town Code. As a specific exception, the Building Official may issue a mobile home placement permit for a replacement mobile home within a Mobile Home Park, even if the previous mobile home placement did not comply with all Town Ordinances so long as no material modification and/or expansion of use is permitted. In considering what is a material modification, and/or expansion of use, the Building Official shall consider the neighborhood, the changing character of the neighborhood, the character of the neighborhood, the uniformity of the neighborhood and the health, safety and best interest of the citizens of the neighborhood and surrounding neighborhoods. (Ord. No. 811, 11/01/07,1,2,3,4)

(e) Any person, firm, or corporation convicted of violating this section is guilty of a misdemeanor punishable as provided in Section 5-103 of the Thermopolis Town Code. (Ord. No. 811, 11/01/07, 7)

ARTICLE IX. FLOOD DAMAGE PREVENTION¹⁸

Sec. 5-901. Findings of fact.

(a) The flood hazard areas of the Town of Thermopolis, Hot Springs County, Wyoming 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 hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from damage also contribute to the flood loss. (Ord. No. 664, 3/7/89, 1)

Sec. 5-902. Statement of purpose.

It is the purpose of this ordinance 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, 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;

¹⁸ As to authority of municipalities to adopt regulations to promote the public health, safety and general welfare, see Wyo. Stat. §15-1-103(a)(xli).

(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 hazards assume responsibility for their actions. (Ord. No. 664, 3/7/89, 1)

Sec. 5-903. Methods of reducing flood losses.

In order to accomplish its purposes, this ordinance 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 flood waters;

(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 flood waters or which may increase flood hazards in other areas. (Ord. No. 664, 3/7/89, 1)

Sec. 5-904. Definitions.

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

(a) Appeal means a request for a review of the Town of Thermopolis Building Inspector's interpretation of any provisions of this ordinance or a request for a variance.

(b) Area of special flood hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

(c) Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

(d) Development means any man-made 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.

(e) Existing Manufactured Home Park or Manufactured Home Subdivision means a manufactured home park for which the construction of facilities for servicing the lot which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of floodplain management regulations adopted by Town of Thermopolis, Hot Springs County, Wyoming.

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

(g) Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

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

(i) Flood Insurance Study means the official report provided by the federal Emergency Management Agency that includes flood profiles; the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(j) Floodway means the channel of a river or other watercourse and the adjacent lands areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(k) Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of

vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Article.

(l) Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

(m) Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(n) New construction means structures for which the "start of construction" commenced on or after the effective date of this Article.

(o) Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(p) Structure means a walled and roofed building or manufactured home that is principally above ground.

(q) Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent 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.

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.

(r) Variance means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this ordinance. (Ord. No. 664, 3/7/89, 2)

Sec. 5-905. Lands to which this Article applies.

This Article shall apply to all areas of special flood hazards within the jurisdiction of the Town of Thermopolis, Hot Springs county, Wyoming (Ord. No. 664, 3/7/89, 3)

Sec. 5-906. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the scientific and engineering report entitled, "The Flood Insurance Study for the Town of Thermopolis, Wyoming, " effective, January 20, 1999, with an accompanying Flood Insurance Rate Map (FIRM) is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and Flood Insurance Rate Map are on file at Thermopolis Town Hall, 420 Broadway Street, Thermopolis, WY 82443. (Ord. No. 732; 1/5/99, 3.2)

Sec. 5-907. Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulation. (Ord. No. 664, 3/7/89, 3)

Sec. 5-908. Abrogation and greater restrictions.

This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 664, 3/7/89, 3)

Sec. 5-909. Interpretation.

In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit or repeal any other powers granted under State statutes. (Ord. No. 664, 3/7/89, 3)

Sec. 5-910. Warning and disclaimer of liability.

The degree of flood protection required by this Article 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 man-made or natural causes. This Article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town of Thermopolis, Hot Springs County, Wyoming, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.(Ord. No. 664, 3/7/89, 3)

Sec. 5-911. Establishment of development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Code Section 5-906. Application for a development permit shall be made on forms furnished by the Town of Thermopolis Building Inspector and may include, but not be limited to:

Plans in duplicate drawn to scale showing the nature, locations, dimensions, and elevations of the area in question; existing or proposed structures, 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 many non-residential structures meet the floodproofing criteria in Code Section 5-916(c); and,

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. No. 664, 3/7/89, 4)

Sec. 5-912. Designation of the Town of Thermopolis Building Inspector.

The Town of Thermopolis Building Inspector is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions. (Ord. No. 664, 3/7/89, 4)

Sec. 5-913. Duties and responsibilities of the Town of Thermopolis Building Inspector.

Duties of the Town of Thermopolis Building Inspector shall include, but not be limited:

(a) Permit Review

(i) Review all development permits to determine that the permit requirements of this Article have been satisfied.

(ii) Review all development permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.

(iii) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Code Section 5-917(a) are met.

(b) Use of other Base Flood Data. When base flood elevation data has not been provided in accordance with Code Section 5-906, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Town of Thermopolis Building Inspector shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Code Section 5-916.

(c) Specific Standards. Information to be obtained and maintained.

(i) 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.

(ii) 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 Code Section 5-911(c).

(iii) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(d) Alteration of watercourses

(i) Notify adjacent communities and the Wyoming Emergency Management Agency, P. O. Box 1709, Cheyenne, Wyoming 82003, telephone number of 307-777-7566 prior to any alterations or relocations of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(ii) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(e) Interpretation of FIRM boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Code Section 5-914. (Ord. No. 664, 3/7/89, 4)

Sec. 5-914. Variance Procedure.

(a) Appeal Board.

(i) The Town of Thermopolis Planning and Zoning Commission, as established by the Town of Thermopolis, Hot Springs County, Wyoming, shall hear and decide appeals and request for variances from the requirements of this Article.

(ii) The Town of Thermopolis Planning and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Town of Thermopolis Building Inspector in the enforcement or administration of this Article.

(iii) Those aggrieved by the decision of the Town of Thermopolis Planning and Zoning Commission, or any taxpayer, may appeal such decisions to the District Court of the Fifth Judicial District, as provided in Wyoming State Statutes.

(iv) In passing upon such applications, the Town of Thermopolis Planning and Zoning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Article, and:

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

(2) the danger to life and property due to flooding or erosion damage;

(3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

(4) the importance of the services provided by the proposed facility to the community;

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

(6) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

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

(8) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

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

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

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

(v) Upon consideration of the factors of Code Section 5-914(a)(iv) and the purposes of this Article, the Town of Thermopolis Planning and Zoning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article.

(vi) The Town of Thermopolis Building Inspector shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

(b) Conditions for Variances.

(i) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level, providing items (1-11) in Code Section 5-914(a)(iv) have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.

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

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

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

(v) Variances shall only be issued upon:

(1) a showing of good and sufficient cause;

(2) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety,

extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Code Section 5-914(a)(iv) or conflict with existing local laws or ordinances.

(vi) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation. (Ord. No. 664, 3/7/89, 4)

Sec. 5-915. Provisions for flood hazard reduction.

General Standards. In all areas of special flood hazards, the following standards are required:

(a) Anchoring.

(i) 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.

(ii) 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. Special requirements may be:

(1) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.

(2) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;

(3) all components of the anchoring system be capable of carrying a force of 4,800 pounds and,

(4) any additions to the manufactured home be similarly anchored.

(b) Construction Materials and Methods.

(i) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage

(ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(iii) 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.

(c) Utilities.

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

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

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

(d) Subdivision Proposals.

(i) All subdivision proposals shall be consistent with the need to minimize flood damage;

(ii) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(iii) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

(iv) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

Sec. 5-916. Specific Standards.

(a) In all areas of special flood hazards where base flood elevation data has been provided as set forth in Code Section 5-906, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Code Section 5-913(b), Use of Other Base Flood Data, the following provisions are required:

(b) Residential Construction.

(i) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

(c) Nonresidential Construction. New construction and substantial improvement by 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:

(i) be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(iii) 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 paragraph. Such certifications shall be provided to the official as set forth in Code Section 5-913(c)(ii).

(d) Manufactured Homes.

(i) Manufactured homes shall be anchored in accordance with Code Section 5-915(a)(ii).

(ii) All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system. This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This

paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced. (Ord. No. 664, 3/7/89, 5)

Sec. 5-917. Floodways.

Located within areas of special flood hazard established in Code Section 5-906 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) If Code Section 5-917(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Code Section 5-815, PROVISIONS FOR FLOOD HAZARD REDUCTION. (Ord. No. 664, 3/7/89, 5)

ARTICLE X. ABOVE GROUND FUEL TANKS.

Sec. 5-1001. Plans and Approval.

(a) Before installation of a vaulted tank system, two (2) sets of plans must be submitted to the Town for review and approval. Plans must indicate location of tank/vault, dispensing devices, lines and piping, vent pipes, impact values, detection devices, closeness to buildings and property lines, pump master switch, electrical wiring, size type and location of fire extinguisher(s), signs plus any other pertinent information.

(b) Upon review of the plans, the Fire Chief or fire official responsible for code enforcement within the Town and the Town Building Inspector shall each issue appropriate permits if the plans are in accordance with this Article and other applicable Town Ordinances, rules and regulations. If said plans are not in compliance as herein required, said officials shall notify the applicant of the deficiencies or code violations and not issue the permits. (Ord. No. 672, 4/12/90, 1)

Sec. 5-1002. Dispensing.

(a) Dispensing shall comply with the requirements of the International Fire Code and the International Fuel Gas Code, References in the International Fire Code to "Dispensing from Underground Tanks" shall include dispensing from a concrete vault installation.

(b) Dispensing devices shall be located at least 25 feet from the concrete vault.

(c) Dispensing devices on pressure delivery systems shall be equipped with anti-siphon valves.

(d) In pressure delivery systems an approved emergency impact valve shall be installed in accordance with the International Fire Code and International Fuel Gas Code. (Ord. No. 672, 4/12/90, 2, Ord. No. 768, 7/1/03)

Sec. 5-1003. Tank(s).

(a) Tanks shall be approved for aboveground use. Tanks designed for underground use are prohibited for installation inside vaults.

(b) Tank capacity shall be limited to 15,000 gallons individual, or 25,000 gallons aggregate in each concrete vault.

(c) Tanks shall be installed in such a manner that all portions of the tank exterior can be observed. (Ord. No. 672, 4/12/90, 3)

Sec. 5-1004. Concrete vault.

(a) The installation shall be appropriately designed by a registered professional engineer of Wyoming.

(b) Approved adequate emergency relief venting of the vault shall be provided. Venting shall be sized in accordance with nationally recognized engineer standards. The vent shall be placed as far from the fill pipes as possible, and shall be so designed that should a spill occur fuel or vapors will not enter the vault through the vent.

(c) The vault may be placed underground or aboveground.

(d) The vault shall be liquid tight, and vapor tight without backfill. Sides, top, and bottom of the vault shall be of reinforced concrete at least six inches thick, with openings for inspection through the top only. Such opening shall be at least three feet (3') six inches (6") in diameter. Tank connections, including the fill opening, shall be piped, closed, or designed so that neither vapors nor liquid can escape into the enclosed space within the vault.

(e) Approved means shall be provided to remove any vapors and/or liquids which might accumulate should leakage occur. Such equipment shall comply with Nationally Recognized Standards, and the National Electrical Code for Hazardous Locations.

(f) All portions of the aboveground concrete vault shall be at least 25 feet from buildings and property lines.

(g) Approved vapor/leak detection devices shall be provided inside the vault capable of detecting leakage of fuel from tank(s). Such system shall transmit an alarm to a location monitored by an attendant. (Ord. No. 672, 4/12/90, 4)

Sec. 5-1005. Piping.

(a) Piping shall enter the storage tank(s) through the top. Piping which penetrates the vault shall be no lower than the top of the tank.

(b) Piping valves and fittings shall comply with the International Fire Code and International Fuel Gas Code.

(c) Underground piping shall be designed, installed, maintained, and protected from corrosive conditions through the use of:

(i) A cathodic protection system in accordance with recognized standards of design.

(ii) Approved corrosion-resistant materials of construction such as special alloys, nonmetallics, reinforced plastic coatings, composites, or equivalent systems.

(d) Before being covered, enclosed or placed in use, piping shall be tested in accordance with the International Fire Code.

(e) Underground vault installations shall be provided with approved overflow protection. (Ord. No. 672, 4/12/90, 5, Ord. No. 768, 7/1/03)

Sec. 5-1006. Tank Venting.

(a) Normal and emergency relief venting of tanks shall comply with International Fire Code and International Fuel Gas Code.

(b) Venting from tanks shall terminate not less than 12 feet above the adjacent ground level.

(c) The total venting of both normal and emergency relief venting shall be enough to prevent rupture of the tank. (Ord. No. 672, 4/12/90, 6, Ord. No. 768, 7/1/03)

Sec. 5-1007. Electrical.

Wiring and equipment shall comply with the National Electrical Code. (Ord. No. 672, 4/12/90, 7)

Sec. 5-1008. Safety.

(a) A clearly labeled, manually operated pump master switch shall be provided in an approved location within 75 feet, but not nearer than 15 feet to any dispenser.

(b) The pump master switch shall be identified with a labeled sign which reads, "EMERGENCY PUMP SHUTOFF."

(c) A fire extinguisher with a minimum classification of 2-A, 20BC shall be provided. The extinguisher shall be located not more than 75 feet from any dispenser.

(d) Conspicuous signs prohibiting smoking, dispensing into unapproved containers, and requiring vehicle motors be stopped during fueling operations shall be posted within sight of each customer being served.

(e) A legible sign shall be provided in the vault area which identifies the flammable/combustible liquid, such as gasoline and/or diesel. (Ord. No. 672, 4/12/90, 7)

Sec. 5-1009. Compliance and Inspection.

(a) The Town may inspect the premises before and during construction, and after completion and at any time to ensure code compliance. If during the plan review and/or the on-site inspection the Town finds other violations of the International Fire Code, the Town may require compliance with the Code.

(b) The Town shall be notified when construction is complete and an inspection conducted to ensure compliance before the system is placed in operation. (Ord. No. 4/12/90, 9, Ord. No. 768, 7/1/03)

Sec. 5-1010. Violation and Enforcement.

(a) Failure to comply with one or more provision of this Code Article shall be deemed to be a misdemeanor, and upon conviction thereof, the violator shall be punished by a fine of not more than \$750.00 plus court costs. (Ord. No. 801, 8/1/07)

(b) In addition to the foregoing, the Town may proceed to enforce the provisions of this Code Article, or to seek injunctive relief or any other remedy at law or equity in the District Court. (Ord. No. 672, 4/12/90, 10)

Sec. 5-1011. Other Laws.

(a) This Code Article does not purport to supersede any requirements set forth by the Wyoming Department of Environmental Quality or the U.S. Environmental Protection Agency.

(b) This Code Article shall supersede, for purposes of a vault system, any provision of the International Fire Code as adopted by the Town which are in conflict herewith.

(c) This Code Article is adopted pursuant to guidelines set forth by the Wyoming Department of Fire Prevention and Safety and in accordance with the most recently adopted Fire Code as adopted by the Town. (Ord. No. 4/12/90, 11, Ord. No. 768, 7/1/03)

ARTICLE XI. MARQUEES, CANOPIES, AND/OR FIXED AWNINGS

Sec. 5-2001. Revocable Licenses.

(a) The Town may grant a revocable license for a nonpermanent use of Town property and easements for marquees, canopies and/or fixed awnings. A revocable license shall be revocable at the will of the town. (Ord. No. 818 12/01/2009, 1)

(b) A nonpermanent use may also include, but not be limited to planters, tables, chairs, trash receptacles, planted areas, benches. (Ord. No. 818 12/01/2009, 1)

(c) If the Town Council grants an applicant's request for a revocable license, the applicant shall pay a one-time fee to the Town in the amount of \$250.00. This fee applies only to Section 5-2001(a). (Ord. No. 819 03/02/2010, 1)

Sec. 5-2002 License Issuance

The Town Council is authorized to issue a revocable license which allows a nonpermanent use of Town property, easements and/or airspace for marquees, canopies and/or fixed awnings under the following circumstances (Ord. 8No. 19 03/02/2010, 2):

(a) The applicant has obtained, or will obtain contemporaneously with the request for a nonpermanent use of property, easements and/or airspace, a properly issued permit for such structure (Ord. No. 818 12/01/2009, 2); and

(b) The construction standards of any marquee, canopy and/or fixed awning shall be the stricter of the adopted Commercial Building and Fire Codes of the Town of Thermopolis or the Town Code and Ordinances as set forth in the following sections (Ord. No. 818 12/01/2009, 2); and

(c) Prior to the issuance of a permit, the applicant shall furnish the Town Building Official with a signed and notarized statement that the permittee shall hold harmless and indemnify the Town, its officers and employees from any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit (Ord. No. 818 12/01/2009, 2); and

(d) Permittee shall furnish and maintain such public liability and property damage insurance protecting the Town from all claims and damages to property or bodily injury, including death, which may arise from the existence of the marquee, canopy and/or fixed awning. Such insurance shall provide coverage of not less than \$250,000.00 for bodily injury and property damage respectively, per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as an additional insured the Town, its officers and employees and shall further provide that the policy shall not

terminate or be cancelled without forty-five (45) days written notice to the Town Building Official, sent via certified mail (Ord. No. 818 12/01/2009, 2); and

(e) If found to be necessary by the Town for the protection of the health, safety, and welfare of the public, marquees, canopies and/or fixed awnings shall be immediately removed upon the request of the Town Building Official and in the event a marquee, canopy and/or awning is not removed or due to an emergency, the Town finds it necessary to act immediately, the Town may remove same and shall not be responsible for damages incurred due to such removal. The costs incurred by the Town associated with any such removal shall be borne by the permittee (Ord. No. 818 12/01/2009, 2); and

(f) In no event shall a permit be issued that will adversely impact vehicular or pedestrian traffic as determined by the Town Building Official in conjunction with Town Engineer and Police Chief. (Ord. No. 818 12/01/2009, 2)

Sec. 5-2003 Definitions and Construction Requirements

Marquees, canopies, and/or fixed awnings are defined as follows and shall be constructed in accordance with the following provisions (Ord. No. 818 12/01/2009, 3):

(a) Marquees, canopies, and/or fixed awnings are defined as extending from a building over public property, including but not limited to sidewalks, supported entirely from the buildings, or by columns and posts, either for support or for decorative purposes. Marquees, canopies and/or fixed awnings shall be permitted with limitations as set forth below and after approval of drawings and specifications by the Town Building Official (Ord. No. 818 12/01/2009, 3); and

(b) All marquee, canopies and/or fixed awnings shall be so constructed as to support all live and dead loads as specified by adopted building codes or Ordinances of all Town of Thermopolis, Wyoming (Ord. No. 818 12/01/2009, 3); and

(c) Each and every marquee, canopy and/or fixed awning shall be so located as to not interfere with the operation of any exterior stand pipes, stairways or exits from a building (Ord. No. 818 12/01/2009, 3); and

(d) All marquees, canopies and/or fixed awnings shall not be used as landings for any fire escape or exterior stairway (Ord. No. 818 12/01/2009, 3); and

(e) Each and every marquee, canopy and or fixed awning shall be at least nine (9) feet in the clear between the lowest point or projection and the sidewalk immediately below (Ord. No. 818 12/01/2009, 3); and

(f) All marquees, canopies and/or fixed awnings extending from a building over public property, including but not limited to sidewalks is permitted only within the boundaries of Thermopolis Central and Highway Business District (Ord. No. 818 12/01/2009, 3); and

(g) When marquees, canopies and/or fixed awnings utilize columns or posts for either structural support or for decorative purposes, said columns or posts shall be so placed to commence at a point two (2) feet from the back of the curb to face of the columns or posts abutting any street or alley within the Town of Thermopolis (Ord. No. 818 12/01/2009, 3); and

(h) The maximum size of any column or post shall not exceed twelve (12) inches by twelve (12) inches. There shall be a minimum of five (5) feet of unobstructed space between the columns and posts. The Building Inspector, in documented hardship cases, may waive the minimum five (5) foot separation requirements to a minimum separation requirement of four (4) feet (Ord. No. 818 12/01/2009, 3); and

(i) All marquees, canopies and/or awnings shall be a minimum of nine (9) feet of unobstructed sidewalk from the front or side of the building to the nearest point on the column or post (Ord. No. 818 12/01/2009, 3); and

(j) In no case shall any overhang project closer than six (6) inches to the back of the curb (Ord. No. 818 12/01/2009, 3); and

(k) All marquees, canopies and/or fixed awnings shall be considered as open type construction and shall not be enclosed whatsoever except for the ceilings and roof assemblies of the marquee, canopy and/or fixed awnings (Ord. No. 818 12/01/2009, 3); and

(l) Property owners shall be responsible for all maintenance and repair of said marquees, canopies and/or fixed awnings, of that portion of the marquee, canopy and/or fixed awning extending in the front or side of their property (Ord. No. 818 12/01/2009, 3); and

(m) Any valance attached to a marquee, canopy and/or fixed awning shall not project above the top surface of the marquee, canopy and/or fixed awning. (Ord. No. 818 12/01/2009, 3)

Sec. 5-2004 Severability

If any section, provision, clause phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any Court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be

construed as reasonable and necessary to achieve the lawful purposes of this Ordinance. (Ord. 818 12/01/2009, 4)

Sec. 5-2005 Conflicting Ordinances Repealed

All Ordinances or parts of Ordinances of said Town in conflict with the provision of this Ordinance are hereby superseded to the extent of such conflict. (Ord. No. 818, 12/01/2009, 5)

CHAPTER 6.
COURTS, FINES, IMPRISONMENT, POLICE

- § 6-101. Municipal Judge -- Creation; duties; no change of venue.
- § 6-102. Same -- To account for fines collected.
- § 6-103. Same -- Monthly report.
- § 6-104. Penalty for violation of Town ordinances.

**CHAPTER 6
COURTS, FINES, IMPRISONMENT, POLICE**

Sec. 6-101. Municipal Judge -- Creation; duties; no change of venue¹⁹

There shall be a Municipal Judge of the Town, whose duty it shall be to hear and determine, and who shall have exclusive jurisdiction over, all cases arising under the ordinances of the Town, and all complaints for violations of said ordinances, arising within the limits of the Town. Practice before the Municipal Judge shall conform as nearly as possible to the general laws of the State of Wyoming for Courts and Justices of the Peace. No change of venue shall be granted in any case arising under the ordinances of the Town. (Therm. Rev. Ord. 1910, 4-2; Ord. No. 516, 4/11/74, 1)(Ord. No. 742, 8/1/00, 1)

Sec. 6-102. Same -- To account for fines collected.

All fines and costs and penalties collected, arising from any breach of the ordinances of the Town, shall regularly be paid into the Town treasury by the office collecting the same. (Therm. Rev. Ord. 1910, 4-4)(Ord. No. 742, 8/1/00, 3)

Sec. 6-103. Same -- Monthly report.

The Municipal Judge shall make his monthly report at the first regular meeting of the Town Council in each month, and such report shall show the nature of all cases brought before him during the previous month, the disposition of the same, and such report shall set forth a complete accounting of the proceeds of all fines, costs and penalties collected by him during the month, and the disposition of the same. (Therm. Rev. Ord. 1910, 4-5)(Ord. No. 742, 8/1/00, 1)

Sec. 6-104. Penalty for violation of Town ordinances.²⁰

The penalty for the violation of any ordinance of the Town, or any Town Code Section, shall be, upon conviction, a fine not exceeding \$750.00 to which shall be added costs in the amount of \$50.00. \$10.00 of said fee will be court costs and the remaining \$40.00 will be accounted for as the automation fee required by the State of Wyoming to pay for Municipal Court software. Other costs may be added as allowed by law, including restitution. (Ord. No. 859 06/16/2020, 1)

¹⁹ As to State law concerning municipal courts, see Chapter 6 of Title 5 of the Wyoming Statutes.

²⁰ As to maximum penalties allowed for violation of municipal ordinances, see Wyo. Stat. §15-1-103(a)(xli).

**CHAPTER 7.
ENGINEERING REQUIREMENTS.²¹**

Article I. Town Engineer and Surveyor.

- § 7-101. Office created.
- § 7-102. Mayor to appoint.
- § 7-103. Duties.
- § 7-104. To be under jurisdiction of Town Council.

Article II. Excavations and Right of Way Cuts.

- § 7-201. Scope of regulations.
- § 7-202. Permit required.
- § 7-203. To be held to minimum area.
- § 7-204. Protection of pedestrians.
- § 7-205. Traffic control -- Street closures.
- § 7-206. Inspection required before work covered.
- § 7-207. Bedding, compaction and backfill after inspection.
- § 7-208. Valve box and manhole requirements.
- § 7-209. Paved surface to be replaced by Town -- Service charge.
- § 7-210. Plans and specifications for water treatment plant applicable herein.
- § 7-211. Excavation requirements.
- § 7-212. Foundation requirements.
- § 7-213. Other sewer, water and utility laws of Town applicable herein.

Article III. Sanitary Sewers and Water Mains.

- § 7-301. Sanitary sewers -- Engineering requirements; horizontal alignments and grades.
- § 7-302. Same -- Grades.
- § 7-303. Same -- Materials and pipes.
- § 7-304. Same -- Size.
- § 7-305. Same -- Manholes.
- § 7-306. Same -- Design approval requirements -- New home requirements -- Certificate of Approval from Town Engineer.
- § 7-307. Same -- Excavation and backfilling.
- § 7-308. Same -- Conformance with State DEQ requirements.
- § 7-309. Same -- Review and approval of plans, profile and specifications.
- § 7-310. Same -- Inspection by Town.

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- § 7-311. Same -- "As Constructed" plans and profile to be submitted to Town Engineer.
- § 7-312. Water mains -- Horizontal alignment.
- § 7-313. Same -- Design specifications.
- § 7-314. Same -- Plan, profile and specifications to be submitted to Town Engineer and approved by Town Council and State Sanitary Engineer.
- § 7-315. Same -- Inspection by Town.
- § 7-316. Same -- "As Constructed" plans and profile to be submitted to Town Engineer.

Article IV. Utilities Other Than Water, Sewer and Streets.

- § 7-401. Plans to be submitted to Town Engineer for approval by Town Council.
- § 7-402. Utilities to be inspected and accepted by Town Council.
- § 7-403. "As Constructed" plans and profile to be submitted to Town Engineer.
- § 7-404. Conformance with excavation requirements.

Article V. Streets, Curbs, Gutters, Sidewalks and Alleys.

- § 7-501. Scope of regulations.
- § 7-502. Plans, profile and specifications to be submitted to Town Engineer for approval by Town Council -- "As Constructed" plans and profile also submitted -- Horizontal and vertical control requirements -- Street construction material requirements.
- § 7-503. Subgrade requirements.
- § 7-504. Gravel base requirements.
- § 7-505. Paving mat and wearing surface requirements.
- § 7-506. Sidewalk, curb and gutter requirements.
- § 7-507. Alley requirements.
- § 7-508. Drainage requirements.
- § 7-509. Right of Town Council to supervise, inspect, test and accept or reject any work done under this Article.
- § 7-510. Newly developed parcel sidewalks – Definitions.
- § 7-511. Same – Standards.
- § 7-512. Same – Sidewalk required.
- § 7-513. Same – Maintenance of existing and new public sidewalks.
- § 7-514. Same – Penalty.

ARTICLE I. TOWN ENGINEER AND SURVEYOR.

Sec. 7-101. Office created.

There is hereby created in the Town the office of Town Engineer and Surveyor. (Ord. No. 155, 2/4/18, 1)

Sec. 7-102. Mayor to appoint.²²

There shall be appointed by the Mayor of said Town by and with the consent of the Town Council a Town Engineer and Surveyor to hold office each year commencing the first Monday in June of each year and to hold office for and during the term of one year and until the succeeding June, unless theretofore disqualified or discharged. (Ord. No. 155, 2/4/18, 2).

Sec. 7-103. Duties.

It shall be the duty of the Town Engineer and Surveyor to supervise and superintend the construction of municipal works, sidewalks, sewers, paving, grading, water works, electrical works and all other and diverse municipal improvements and works which the Town may own or construct and to make plats, plans, specifications and drawings necessary or proper for the construction, completion or carrying on of any municipal works within the Town, and to survey, specify and do all engineering and surveying work in the location of lots, pieces or parcels of land in the Town when required by the Town Council and to make plats, diagrams and plans regarding the same, and to lay out, plat and survey any parks, ways, streets, alleys or lots within the Town or which the Town may require in its corporate business, upon request of the Town Council. (Ord. No. 155, 2/3/18, 4)

Sec. 7-104. To be under jurisdiction of Town Council.

The Town Engineer and Surveyor shall at all times be under the jurisdiction and subject to the order of the Town Council. (Ord. No. 155, 2/4/18, 5)

ARTICLE II. EXCAVATIONS AND RIGHT OF WAY CUTS

Sec. 7-201. Scope of regulations.

Any contractor, public utility company, service company, property owner, or individual person or persons excavating below the surface of any street, alley or right of way within the corporate limits of the Town shall be subject to the rules and procedures set forth in this Article. (Ord. No. 526, 11/6/75, 1)

²² As to authority of municipalities to appoint, see Wyo. Stat. §15-1-103(a)(xxxvii).

Sec. 7-202. Permit required.

A permit shall be secured from the Town designating the location and purpose of the excavation prior to commencement of excavating. The above permit shall be made available by the holder upon request by any authorized inspector, or other Town official, for his inspection. If the terms of the permit are not complied with, the Town reserves the right to revoke the permit and suspend work in the right-of-way under the jurisdiction of the Town. Entities and individuals performing work under contract with the Town are not required to obtain a permit. However, they will be required to comply with the terms of the permit or equally stringent specifications prepared and signed by a Wyoming registered Professional Engineer. All excavations made upon the major arterial streets within the Town which are under the jurisdiction of the Wyoming Department of Transportation shall comply with the conditions set forth in a permit obtained from the Department of Transportation. Compliance with the Town permit requirements is not required to perform work on these roads and surfaces. (Ord. No. 526, 11/6/75, 1(a))(Ord No. 745, 8/1/00, 1)

Sec. 7-203. To be held to minimum area.

All excavations shall be held to a minimum area that does not jeopardize safety of the workman or performance of the work to be done. (Ord. No. 526, 11/6/75, 1(b))

Sec. 7-204. Protection of pedestrians.

Provisions for the protection of pedestrians shall be provided around the area during all hours of existing danger. Warning signs, barricades and lighting are to be used where necessary. (Ord. No. 526, 11/6/75, 1(c))

Sec. 7-205. Traffic control -- Street closures.

All permittees working within the Town right-of-way agree to follow the standards for traffic control as outlined in the manuals set forth in the permit provided by the Town. The permittee must cease operations if he or she does not comply with traffic control standards. Traffic control plans and road closure plans shall be submitted to and approved by the Town prior to starting work. (Ord. No. 745, 8/1/00, 2)

Sec. 7-206. Inspection required before work covered.

Coverage of new or used materials and workmanship of installations conforming to Town codes and standards prior to inspection by authorized personnel will not be permitted. (Ord. No. 526, 11/6/75, 1(e))

Sec. 7-207. Bedding, compaction and backfill after inspection.

All trenching and backfill shall comply with the specifications set forth in the permit provided by the Town. (Ord. No. 745, 8/1/00, 4)

Sec. 7-208. Valve box and manhole requirements.

Valve boxes and manholes shall be vertical, level and flush with original street surface grades. Final backfill shall be one inch above original grades upon completion. (Ord. No. 526, 11/6/75, 1(g))

Sec. 7-209. Paved surface to be replaced by Town -- Service charge.

All permittees shall be responsible for replacing any damaged surface in a manner acceptable to the Town, and shall warrant and guarantee such street repairs for a period of two (2) years. The permittee shall forever indemnify the Town for damages to property, or injury to or death to persons, including all related costs and expenses, arising in connection with the excavation. The permittee shall specifically consult with the Town Street Supervisor or Public Works Director or their designee regarding acceptable surfacing material. Paved streets shall be resurfaced with asphalt pavement and gravel surfaces shall be replaced with gravel. If asphalt is available at the time of resurfacing, the permittee may resurface the excavation in accordance with the terms of the permit. If asphalt is not available or if the permittee elects to have the Town resurface the excavation, the Town will resurface the excavation when asphalt becomes available. In the event that the Town resurfaces the excavation, the permittee will pay for the asphalt resurfacing at the time the permit is issued in accordance with the current rate schedule for equipment, labor and materials used. In the event that the ambient temperature is less than fifty-degrees Fahrenheit (50 °F), the excavation shall be backfilled by the permittee in accordance with the specifications set forth in the permit and brought to grade with one-sack concrete. When the ambient temperature increases to fifty-degrees Fahrenheit (50 °F) and is rising, the one sack concrete surface shall be replaced with asphalt. If at any time, the one sack temporary surface becomes damaged, it shall be resurfaced by the permittee. The asphalt and gravel resurfacing materials must meet the specifications set forth in the permit. (Ord. No. 745, 8/1/00, 5)

Sec. 7-210. Plans and specifications for water treatment plant applicable herein.

All pertinent sections of the 1962 plans and specifications for the Town Water Treatment Plan and Water Distribution System for the Town shall apply to and are made a part of this Article unless superseded herein. (Ord. No. 468, 12/7/64, 1)

Sec. 7-211. Excavation requirements.

All excavations subject to this Article shall meet the following requirements:

(a) Excavation for the structure or pipe line to be installed shall be made in trenches with walls as nearly vertical as possible.

(b) Walls of the excavation shall be protected where necessary against sloughing or caving, by the use of such mechanical means as are required.

(c) Where the excavation is performed by any person, firm, or corporation other than the Town, such person, firm, or corporation shall save the Town harmless from any injury or accident of any kind resulting from the excavation, and in the event of liability being imposed on the Town, any such person, firm, or corporation shall save the Town harmless.

(d) No excavation shall remain open over seven consecutive days. (Ord. No. 468, 12/7/64, 2)

Sec. 7-212. Foundation requirements.

All pipelines or other structures subject to this Article shall meet the following requirements:

(a) All foundations for structure or pipe shall be in natural ground or in compact fill satisfactory to the Town Engineer.

(b) All foundations shall be inspected by the Town Engineer, for the Town, prior to placing pipe or other structures.

(c) No foundation material used for bedding of pipe shall contain rock of over one inch in diameter for at least two inches of depth below the pipe.

(d) For pipe of over two inches in diameter, the floor of the excavation shall be fine graded so that the pipe is supported throughout its entire length. The floor shall be so excavated so that the pipe collars or pipe connections support none of the weight of the pipe. (Ord. No. 468, 12/7/64, 3)

Sec. 7-213. Other sewer, water and utility laws of Town applicable herein.

Any and all Town laws now in effect, or hereafter enacted, for sewer, water and other utilities, or any standards for the construction thereof, and the concluding of such construction, shall apply and are made a part of this Article by this reference. (Ord. No. 468, 12/7/64, 4)

ARTICLE III. SANITARY SEWERS AND WATER MAINS.

Sec. 7-301. Sanitary sewers -- Engineering requirements; horizontal alignments and grades.

All sanitary sewers subject to this Article shall meet the following requirements:

- (a) All lines must be referenced to the nearest 0.5 feet to adjacent alley and block corners and at least once in 400 feet and at each sewer angle or direction.
- (b) Existing underground structures or facilities are to be avoided whenever possible.
- (c) The sewer will be located in the center of the alley whenever possible or as otherwise designated by the Town Engineer.
- (d) All manholes will be referenced to at least two property corners.
- (e) All appurtenances and connections will be referenced to the nearest 0.5 feet.
- (f) From one manhole to the next, a clear round hole must be able to be seen when looking from end to end. (Ord. No. 470, 12/7/64, 1A)

Sec. 7-302. Same -- Grades.

The following regulations shall apply to all sewers subject to this Article:

- (a) Grades shall be such that the sewer when flowing full will have a minimum velocity of two feet per second.
- (b) A minimum of .08 foot fall will be given across a manhole bottom.
- (c) Grades shall be to the same elevation base as those of the existing Town. (Ord. No. 470, 12/7/64, 1B)

Sec. 7-303. Same -- Materials and pipes.

Materials and/or pipe shall be Class A vitrified clay tile with rubber joints or equal, as approved by the Town Engineer, and they shall be sulfate resistant and resistant to corrosive chemicals. (Ord. No. 470, 12/7/64, 1C)

Sec. 7-304. Same -- Size.

The following regulations shall govern the size of sewers subject to this Article:

(a) Maximum sewage flow, and maximum population density of the area served and contiguous area, will govern the size of the sewer. The developer will submit estimates as to these figures to the Town Engineer, who will accept or reject the estimates and the sewer sizes within 30 days.

(b) The minimum permissible size of a sewer will be eight inches except for non-extendible lines not exceeding 300 feet in length, in which case six inches will be the minimum.

(c) House laterals will be four inches. (Ord. No. 470, 12/7/64, 1D)

Sec. 7-305. Same -- Manholes.

All manholes subject to this Article must meet the following regulations:

(a) Manholes will be placed at intersections of laterals, changes of directions, and intervals not exceeding 400 feet along the laterals. Grades between manholes must be constant.

(b) Manholes must have a properly vented cast iron cover weighing at least 80 pounds, and a cast iron collar weighing, in residential areas, at least 280 pounds, and in commercial areas, at least 400 pounds. Each manhole shall have a 20 inch clear opening minimum. At a distance of three to five feet below the cover, the opening must be sloped to equal or exceed four feet in diameter. If the total depth is less than 12 feet, the walls shall be a minimum of eight inches thick; for each additional six feet of depth, an extra four inches of thickness shall be required.

(c) All materials are to be sulfate and corrosion resistant.

(d) There shall be no construction openings in the walls or floors where corrosion might occur, and all concrete used shall be, as to quantity, six sacks per cubic yard, with a two to four inch slump, and as to quality, using Type II or V cement as required by the Town Engineer. (Ord. No. 470, 12/7/64, 1E)

Sec. 7-306. Same -- Design approval requirements -- New home requirements -- Certificate of Approval from Town Engineer.

The following regulations shall apply to sewer lines and sewer line attachments:

(a) Inverted, siphons, pumping stations, regulators, flush tanks, taps, fittings, etc., must conform with good engineering, design, and must be approved by the Town Engineer before being placed into operation.

(b) All new homes shall have a properly installed garbage disposal unit. Domestic residence sanitary sewer laterals shall be attached to the main trunk sewer, and shall have a minimum fall of one inch to the foot, and shall not have any excessive ending that would cause difficulty in cleaning. These requirements shall be approved before being placed into operation, by obtaining a Certificate of Approval from the Town Engineer. (Ord. No. 470, 12/7/64, 1F)

Sec. 7-307. Same -- Excavation and backfilling.

Sewer line excavation and backfilling shall meet the following requirements:

(a) All sewers will have a minimum of five feet of cover.

(b) If the sewer invert varies by .05 feet from the correct grade, it is to be corrected.

(c) Proper backfilling must be done to give a well imbedded pipe and a ditch that will not appreciably settle. All backfilling shall be done so that the trench will support, without settlement, the surface loads to which it will be subjected. (Ord. No. 470, 12/7/64, 1G)

Sec. 7-308. Same -- Conformance with State DEQ requirements.

Sanitary sewer construction shall conform to the State DEQ requirements at all times. (Ord. No. 470, 12/7/64, 1H)

Sec. 7-309. Same -- Review and approval of plans, profile and specifications.

Four copies of the plans, profile and specifications of the proposed sewer construction shall be submitted to the Town Engineer. The Town Engineer will make his recommendations to the Town Council within 30 days after receipt of such plans and

specifications, and at the same time will submit the documents to the State DEQ. Upon approval of the Town Council and the State DEQ, the construction of the sewer may commence. (Ord. No. 470, 12/7/64, 1I)

Sec. 7-310. Same -- Inspection by Town.

The Town reserves the right to inspect and to reject any and all materials and work not conforming with the approved plans, profile and specifications, as well as any other workmanship not conforming with the requirements set forth herein. In the event of rejections, all work shall immediately stop, and no additional construction shall be undertaken until all prior work and materials have been finally approved. (Ord. No. 470, 12/7/64, 1J)

Sec. 7-311. Same -- "As Constructed" plans and profile to be submitted to Town Engineer.

After inspections and acceptance by the Town, four reproducible copies of the "As Constructed" plans and profile shall be submitted to the Town Engineer for his acceptance and approval. The Town Engineer shall file two copies with the Town Clerk as a permanent record of the Town. (Ord. No. 470, 12/7/64, 1K)

Sec. 7-312. Water mains -- Horizontal alignment.

All lines, valves, tees, crosses, water taps, fire hydrants, bends, etc., are to be referenced to an accuracy of the nearest 0.5 feet to existing lot and block corners in the subdivision. No referencing is to exceed 400 feet in length from any one block or alley corner. Lines should be a continuation of existing lines whenever possible, and existing underground structures should be avoided whenever possible. (Ord. No. 470, 12/7/64, 2A)

Sec. 7-313. Same -- design specifications.

(a) Design specifications shall comply with the 1962 plans and specifications for the Town Water Treatment Plant and Water Distribution System, wherever said plans and specifications are applicable.

(b) The design of all water facilities, mains, and transportation facilities for water must include proper pressure and flow studies, and devices for domestic consumption, and fire protection. These studies shall be reviewed and approved by the Town Engineer before any person, firm or corporation shall begin construction of any water main, or addition thereto. To proceed, a Certificate from the Town Engineer is necessary. (Ord. No. 470, 12/7/64, 2B)

Sec. 7-314. Same -- Plan, profile and specifications to be submitted to Town Engineer and approved by Town Council and State Sanitary Engineer.

Four copies of the plans, profile and detailed specifications of the proposed water construction will be submitted to the Town Engineer. The Town Engineer will make his recommendations to the Town Council within 30 days after receipt of such plans and specifications, and at the same time will submit the documents to the State Sanitary Engineer. Upon approval of the Town Council and the State Sanitary Engineer, the construction of the water system may commence. (Ord. No. 470, 12/7/64, 2C)

Sec. 7-315. Same -- Inspection by Town.

The Town reserves the right to inspect and reject any and all materials and work not conforming to the approved plans, profile and specifications. In the event of such rejection, the person, firm, or corporation doing such work shall immediately discontinue work, and not proceed with additional work until prior work has been approved. (Ord. No. 470, 12/7/64, 2D)

Sec. 7-316. Same -- "As Constructed" plans and profile to be submitted to Town Engineer.

(a) After inspection and acceptance by the Town, four reproducible copies of "As Constructed" plans and profile shall be submitted to the Town Engineer for his acceptance and approval. The Town Engineer shall file two prints with the Town Clerk as a permanent record of the Town.

(b) Such construction shall not be placed into operation, or in any way used, until duly accepted and approved, with a Certificate to Use obtained from the Town Engineer, or such officer as the Town Council may designate from time to time. (Ord. No. 470, 12/7/64, 2E)

ARTICLE IV. UTILITIES OTHER THAN WATER, SEWER AND STREETS.

Sec. 7-401. Plans to be submitted to Town Engineer for approval by Town Council.

Such plans, profiles, specifications and other documents as are required to properly construct, install or create either surface or subsurface utilities shall be submitted to the Town Engineer for his review and submission to the Town Council. No construction of any utility shall be commenced until approved by the Town Council. (Ord. No. 469, 12/7/64, 1)

Sec. 7-402. Utilities to be inspected and accepted by Town Council.

No utility, public or private, shall be placed in service until such utility has been inspected and accepted by the Town Council, as conforming to the plans, profiles, specifications and other documents originally approved for the construction by the Town Council. (Ord. No. 469, 12/7/64, 2)

Sec. 7-403. "As Constructed" plans and profile to be submitted to Town Engineer.

Upon acceptance of the construction as constructed by the Town Council, as above set forth, four copies of the "As Constructed" plans and profile shall be submitted to the Town Engineer and two of these copies shall be filed with the Town Clerk as a permanent record of the installation. (Ord. No. 469, 12/7/64, 3)

Sec. 7-404. Conformance with excavation requirements.

All excavations, trenching and backfilling shall conform with the engineering requirements for right of way cuts set forth in Article II of this Chapter. (Ord. No. 469, 12/7/64, 4)

SECTION V. STREETS, CURBS, GUTTERS, SIDEWALKS AND ALLEYS.

Sec. 7-501. Scope of regulations.

The regulations and requirements of this Article shall apply whenever any person, firm or corporation, or other business entity, other than the Town, requests the right to construct streets, curbs, gutters, sidewalks, or alleys, for whatever purpose. (Ord. No. 467, 12/7/64, 1)

Sec. 7-502. Plans, profile and specifications to be submitted to Town Engineer for approval by Town Council -- "As Constructed" plans and profile also submitted -- Horizontal and vertical control requirements -- Street construction material requirements.

The following procedures are required for proposed curb, gutter, sidewalk and alley construction:

(a) Four copies of the complete and detailed plans, profile and specifications of the proposed road paving, sidewalk, curb and gutter construction and related documents and structures shall be submitted to the Town Engineer.

(b) The Engineer shall make his recommendations to the Town Council within 30 days after receipt of these documents.

(c) Upon approval by the Town Council of the plans, profile and specifications, the work may begin.

(d) Upon completion of the construction, four copies of the "As Constructed" plans and profile will be submitted to the Town Engineer for approval. He will file two approved copies with the Town Clerk as a public record.

(e) All horizontal and vertical controls for these plans and profile shall conform with and be tied and related to the horizontal and vertical control of the existing Town as designated by the Town Engineer.

(f) The most current specifications of the Wyoming Highway Department will govern the materials used for street construction where applicable and unless specified differently in this Article. (Ord. No. 467, 12/7/64, 1A)

Sec. 7-503. Subgrade requirements.

Street subgrading shall meet the following requirements:

(a) All subgrade embankment of any depth for residential or commercial streets shall be compacted to a dry weight density yielding an indicated saturated bearing strength of 100 pounds per square inch.

(b) For arterial or commercial streets, the top 18 inches of all subgrade shall be compacted to a dry weight density yielding an indicated saturated bearing strength of 200 pounds per square inch.

(c) For residential streets, the top 12 inches of subgrade shall be compacted to a dry weight density yielding an indicated saturated bearing strength of 100 pounds per square inch. (Ord. No. 467, 12/7/64, 1B)

Sec. 7-504. Gravel base requirements.

Gravel base for streets shall meet the following requirements:

(a) Pit run or crushed gravel shall be two inches maximum size material and shall conform to Highway Department specifications for selected material surfacing or crushed gravel or stone base course and shall contain enough binder to be thoroughly consolidated.

(b) The first three inch layer of gravel shall be heavily watered and shall be sheep's-foot rolled into the top of the dirt subgrade.

(c) Subsequent layers of the gravel base shall be compacted in maximum layers of three inch thickness by rubber tired rollers or equipment rolling until thoroughly compacted and bound.

(d) The top three inch layer of gravel may be topped by a finish 3/4 inch maximum size material crushed gravel. This final three inch layer must be thoroughly bound and compacted to a firm, hard, dense, smooth and even surface. Priming of this surface with a cutback oil is optional.

(e) Residential streets shall have a compacted gravel base course totaling at least six inches.

(f) Commercial or arterial streets shall have a compacted gravel base course totaling at least 12 inches. (Ord. No. 467,12/7/64, 1C)

Sec. 7-505. Paving mat and wearing surface requirements.

Paving mats and wearing surfaces shall meet the following requirements:

(a) For residential streets, the paving mat shall be either a road mix or plant mix mat of minimum two inch thickness compacted in place to a hard, dense, smooth and even surface. This mat may be placed in one lift. Material size shall not exceed 3/4 inch.

(b) For commercial or arterial streets, the paving mat shall be a hot plant mix asphaltic concrete of a minimum three inch thickness compacted in place in at least two lifts. However, material size shall not exceed 3/4 inch.

(c) The surface of all wearing surfaces shall be sealed and chipped.

(d) The detailed specifications for the proposed streets, including gravel and oil materials to be used, shall be submitted with the plans, profile and specifications. (Ord. No. 467, 12/7/64, 1D)

Sec. 7-506. Sidewalk, curb and gutter requirements.

Sidewalks, curbs and gutters shall meet the following requirements:

(a) The designs of sidewalks, curbs and gutters shall conform to the drawing marked Appendix H which was originally attached to Ordinance No. 467, showing both conventional and streamlined curb, gutter and sidewalk, which is made a part of this Article.

(b) The design used shall conform in type to adjacent or abutting existing curb, gutter and walk but shall be of the dimensions shown in Appendix H

(c) The proposed design must be specifically approved by the Town Council.

(d) The curb, gutter and sidewalk shall be placed to the lines and grades shown on the plans and profile. Forms shall be required and used which will furnish proper alignment and grades.

(e) Subgrade for this concrete work shall be natural ground. All fills of over four inches shall be earth compacted to a dry weight density yielding a minimum indicated saturated bearing strength of 100 pounds per square inch. Subgrade fills of less than four inches may be thoroughly "saturated in place" pit run gravels. The gravels may not carry rock exceeding one-half of the fill thickness. All subgrade shall be free of frost and thoroughly moistened before placing concrete.

(f) Concrete:

(i) Concrete materials shall conform to highway specifications.

(ii) Aggregate shall be 1½ inch maximum.

(iii) Cement shall be Type II.

(iv) Proper amounts of air entrainment shall be used.

(v) No so-called anti-freeze additives such as calcium chloride will be permitted.

(vi) The mix shall be a minimum of six sacks of cement per cubic yard and a maximum of six gallons of water per sack.

(vii) One test cylinder shall be taken in the field from each ten yards of concrete placed. Each test cylinder shall be laboratory cured and tested as specified

by A.S.T.M. and shall yield a minimum 28 day strength of 3,000 pounds per square inch.

(viii) All concrete surfaces shall be finished to the satisfaction of the Town Engineer.

(ix) All concrete shall be kept at a temperature of at least 40 degrees F. for seven days after placing and all exposed surfaces shall be kept moist by an approved method for at least seven days after placing and/or form removal.

(x) The maximum slump permitted will be four inches. (Ord. No. 467, 11/7/64, 1E)

Sec. 7-507. Alley requirements.

All alleys shall have six inches of compacted gravel and be constructed to the lines and grades shown on the plans and profile. Except where the alley subgrade is fill, no special subgrade compaction will be required. Where on fill, the compaction shall be the same as for residential streets. (Ord. No. 467, 12/7/64, 1F)

Sec. 7-508. Drainage requirements.

Pavement drainage shall meet the following requirements:

(a) A drainage plan will be submitted with all paving proposals and all proposed subdivisions.

(b) Concrete cross drains will be provided to carry surface drainage across all oiled pavement, where required.

(c) Plans and specifications shall be submitted for all surface and subsurface structures required to care for the drainage of the proposed paving, and the drainage area involved. Adequate provision shall be made for caring for the drainage beyond the boundaries of the area as required, to prevent damage to others, and property below. (Ord. No. 467, 12/7/64, 1G)

Sec. 7-509. Right of Town Council to supervise, inspect, test, and accept or reject any work done under this Article.

The Town Council does necessarily reserve the right, by any of its duly authorized officers, to supervise, inspect, test, accept, and reject any and all work performed under this Article, and that would be covered by this Article. In the event of rejection, the work

shall be redone within a period to be fixed and determined by the Town Council. (Ord. No. 467, 12/7/64, 1H)

Sec. 7-510. Newly developed parcel sidewalks – Definitions.

(a) Development – a newly constructed or moved in building or structure used or intended for supporting or sheltering any use or occupancy and does not include those buildings enlarged, altered, repaired, improved, removed, converted or demolished.

(b) Public Sidewalk – a pathway for public pedestrians, installed parallel and adjacent to the adjoining public street and conforming to the standards below.

(c) Owner or Property Owner – the current owner(s) of the adjoining private property, at the time of enforcement. (Ord. No. 736, 7/18/00, 1)

Sec. 7-511. Same – Standards.

(a) Public sidewalks shall adjoin the back of the public street curb at an elevation equal to the top of the adjacent curb and shall have a uniform cross-slope of one-quarter inch (1/4”) per foot from the outer edge of the sidewalk to the back of the curb. Control joints shall have a depth of one-fourth (1/4) of the total slab thickness and be placed at a right angle to the curb at eight-foot (8’) intervals minimum. Expansion joints shall be placed at one hundred-foot (100’) intervals minimum. Sidewalks shall be a minimum of four inches (4”) thick concrete and have a minimum width of five-feet zero inch (5’-0”), not inclusive of the curb top. Portions of sidewalk burdened with heavy truck traffic shall be six inches (6”) thick (i.e. alley aprons) and shall be reinforced with 4” x 4” welded wire mesh or 2 pounds per cubic yard of fibrillated virgin polypropylene fibers (fiber mesh). Developments adjacent to areas that have existing streets may install public sidewalks to be consistent with the existing sidewalks on either side. Sidewalk installation shall comply with all local, state and federal laws regulating public sidewalks. Sidewalk construction shall be performed to American Concrete institute guidelines. The finished surface shall be broomed or otherwise finished to provide a non-slip surface. Water shall not be added to the concrete after discharge from the ready mix truck or sprayed on the surface for finishing purposes.

(b) Concrete shall be a mixture of portland cement, fine aggregate, coarse aggregate and water, with or without with four to seven percent (4-7%) entrained air, a maximum water/cement ratio of 0.45, a maximum slump of four inches (4”), and a minimum design compressive strength of four thousand (4,000) p.s.i. at twenty-eight (28) days. A minimum of six (6) sacks of portland cement Modified Type II – Low Alkali or Type V – Low Alkali is required per cubic yard of concrete. Calcium chloride shall not be used as an additive. (Ord. No. 736, 7/18/00, 2)

Sec. 7-512. Same – Sidewalk required.

The owner of a new development shall install, at their expense, public sidewalk, conforming to the standards set forth in 7-513, adjacent to all public streets, whose right-of-way adjoins the land parcel(s) being developed, continuous from the first point of common private property/right-of-way property line to that last point of common private property/right-of-way property line within thirty (30) days from the date of starting public water, sewer and sanitation service or of the developments' first use. (Ord. No. 736, 7/18/00, 3)

Sec. 7-513. Same – Maintenance of existing and new public sidewalks.

No materials, cut vegetation, tree limbs, vehicles or obstruction of any type shall be placed on or over (less than seven feet (7') above the walking surface) the required public sidewalk width. Maintenance of and liability for the public sidewalk is the responsibility of the adjoining private property owner, including, but not limited to: removal of snow within seventy-two (72) hours of each snowfall, removal of debris, removal of overhanging vegetation, removal of overhanging tree growth to a height of seven feet (7') above the walking surface, removal of all obstructions, replacement, repair, or other condition that may render the public sidewalk unusable or hazardous. The private property owner shall maintain the adjoining public sidewalk, regardless of who installed it or when it was installed, in a safe and non-hazardous condition at all times and replace or repair that portion of public sidewalk located between his or her property and the public street. (Ord. No. 736, 7/18/00, 4)

Sec. 7-514. Same – Penalty.

Any property owner who violates any provision of sections 7-510 through 7-513 is guilty of a misdemeanor punishable by a fine of not more than \$750.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violation or defect within a prescribed time. When not otherwise specified, each day that prohibited conditions are maintained, shall constitute a separate offense. Application of the above penalty shall not be held to prevent the enforced removal of prohibited or hazardous conditions. The current property owner(s) of the adjoining private property, at the time of the enforcement, shall be charged with and held accountable for the provisions of sections 7-510 through 7-513. (Ord. No. 736, 7/18/00, 5) (Ord. No. 800, 5/10/07)

CHAPTER 8.
FIRE PREVENTION AND PROTECTION.

Article I. Fire Department.

- § 8-101. Department created -- Duties.
- § 8-102. Officers -- Duties.
- § 8-103. Chief -- Powers and authority.
- § 8-104. Same -- Investigations, reports and records.
- § 8-105. General regulations.
- § 8-106. Water Department to cooperate.

Article II. Burning Regulations.

- § 8-201. Outdoor fireplaces and firepits.

ARTICLE I. FIRE DEPARTMENT.²³

Sec. 8-101. Department created -- Duties.

There is hereby created the Volunteer Fire Department of the Town, whose duties it shall be to prevent and extinguish fires, to educate the public in all matters pertaining to fires and fire prevention, to care for all fire apparatus and other Town property in its charge, and to perform such other duties as may come under its scope. (Ord. No. 314, 3/5/36, 1)

Sec. 8-102. Officers -- Duties.

Officers of the Fire Department shall be a Chief, Assistant Chief, Secretary-Treasurer, and for each organized company, a Captain and a Lieutenant, and such other officers as may be provided in the By-Laws of the Fire Department. Officers and members shall be selected as provided in the By-Laws. In the absence of the Chief, when responding to alarms, the Assistant Chief, Captain, Lieutenant or senior member present, in order of rank and seniority, shall assume the duties and full authority of the Chief until the arrival of a superior officer. After responding to an alarm, no member shall leave the scene of the fire or the apparatus until the fire shall have been extinguished and the apparatus returned to the station and properly cared for, except by permission of the commanding officer. (Ord. No. 314, 3/5/36, 2)

Sec. 8-103. Chief -- Powers and authority.

The Chief of the Fire Department and members acting under his orders shall have full and complete police powers and authority within the fire station, at fires and proceeding to or returning from them in all matters pertaining to the Fire Department, and shall also have authority to make arrests for violation of all Town ordinances, the enforcement of which is under his jurisdiction. The Chief of the Fire Department and members acting under his orders may prescribe limits at fires within which no person shall be admitted except by his order. (Ord. No. 314, 3/5/36, 3)

Sec. 8-104. Same -- Investigations, reports and records.

The Chief of the Fire Department shall keep or cause to be kept a complete record of the activities of the Fire Department and shall make a thorough investigation of each fire and report to the Mayor and Town Council at least quarterly, giving in detail the following information in regard to each, if available: cause, location, time, owner, tenant, occupancy, type of building, insurance carried, insurance paid, building loss, contents loss, how extinguished, apparatus used, firemen present, adequacy of water supply and pressure and

²³ As to authority of municipalities to provide for the organization of a fire department, see Wyo.Stat. §15-1-103(a)(xxiii).

any other information of value. The Chief of the Fire Department shall inspect or cause to be inspected by members of the Fire Department, at least twice annually and oftener if needed, all fire hydrants and shall list those needing attention in his next report to the Council. Loss of or damage to equipment and accidents involving members of the Fire Department in the performance of their duties shall be reported immediately to the Mayor and Council by the Chief of the Fire Department. (Ord. No. 314, 3/5/36, 4)

Sec. 8-105. General regulations.

The following general regulations concerning the fire department are hereby adopted:

(a) No person shall be allowed to enter the fire station unless accompanied by a member of the Fire Department.

(b) No person shall interfere in any way with the Fire Department in the performance of its duties.

(c) No person not a member of the Fire Department shall use any of the fire apparatus at fires or otherwise, unless acting under orders of the commanding officer.

(d) Upon hearing an alarm of fire, all drivers of vehicles shall take due warning, and upon the approach of fire apparatus shall move promptly to the right curb and stop in order to leave clear the center of the street.

(e) Vehicles shall not follow fire apparatus nearer than one full block and shall not proceed to any point within one full block of the fire.

(f) Vehicles shall not be driven over fire hose or any other apparatus.

(g) Vehicles shall not be parked within 15 feet of any fire hydrant or before the entrance of any theatre, hall or other building in which public assemblies are held.

(h) 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.

(i) No person shall interfere with any part of the fire alarm system unless so authorized by the Chief of the Fire Department. (Ord. No. 314, 3/5/36, 5)

Sec. 8-106. Water Department to cooperate.

The Water Department shall cooperate with the Fire Department in every way possible to provide an adequate supply of water at pressures suitable for fire fighting and shall supply the Fire Department one or more accurate maps of the distributing system, showing the size and location of all mains, valves and fire hydrants, which shall be posted and maintained in a conspicuous place in each fire station, and shall report promptly to the Fire Department the opening and closing of all valves in street mains and any other information relative to the water supply to any and all parts of Town, which information shall also be posted for the information of firemen and others. (Ord. No. 314, 3/5/36, 6)

ARTICLE II. BURNING REGULATIONS

Sec 8-201 Outdoor Fireplaces and Fire Pits

(a) No fire permit is required for outdoor fireplaces, firepits and other recreational appliances, all collectively referred to as "fireplaces", subject to following the guidelines hereinafter set forth. (Ord. No. 845 11/15/2016, 1)

(b) Guidelines. The following guidelines shall be observed:

(i) Solid fuel burning appliances may only be fueled by cut or split firewood. A recreational fire is an outdoor fire with a total fire area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Outdoor grills, barbeques and charcoal grills are exempt.

(ii) Materials such as rubbish, construction materials, paper products, yard debris, branches, leaves, garbage and similar materials cannot be burned. Any provision of the Town Code or Ordinance in conflict herewith is hereby repealed.

(iii) Fires contained in outdoor fireplaces should be no closer than 15 feet to a building or combustible materials.

(iv) The appliances must utilize a screen or a spark arrestor and it must be in place while burning.

(v) Fire shall not be within 25 feet of a structure or combustible material if not in an appliance as stated above and any conditions which would cause a fire to spread within 25 feet of a building shall be eliminated prior to ignition.

(vi) A fire extinguisher of at least 4-A or charged water hose must be in close proximity to the appliances while burning.

(vii) Fires shall be constantly attended by a person knowledgeable in the use of the fire extinguishing equipment provided.

(viii) The fire shall not be left unattended at any time until the fire is fully extinguished.

(ix) Fires shall not be ignited if wind conditions create a hazardous condition.

(x) Fires shall not be ignited on days that the National Weather Service issues a Red Flag Warning or open burning has been banned by order of the Mayor.

(xi) The Fire Department or its designee or the Thermopolis Police Department may order the fire to be discontinued if, in his opinion, the fire constitutes a hazardous condition or produces obnoxious smoke or odors that may cause a public nuisance.

(xii) Recreational fires can only be done on privately owned property. Any person who has a recreational fire on privately owned property shall be responsible for any damage that occurs from said fire.

(Ord. No. 845 11/15/2016, 2)

(c) Bonfires. A fire not in accordance with Sections (a) and (b), such as a bonfire shall require approval through the Mayor and Council. (Ord. No. 845 11/15/2016, 3)

(d) Any person, firm or corporation who violates any provision of this section shall be deemed guilty of a misdemeanor and punished as provided in Section 6-104 of the Thermopolis Town Code. (Ord. No. 845 11/15/2016, 4)

CHAPTER 9.

LICENSES AND FRANCHISES.²⁴

Article I. Pawnbrokers

- § 9-101. License.
- § 9-102. Records.
- § 9-103. Firearm serial numbers.
- § 9-104. Compliance with Wyoming Statutes.
- § 9-105. Penalty.

Article II. Transient Photographers

- § 9-201. License; fee.

Article III. Junk Dealers

- § 9-301. License.

Article IV. Taxicabs

- § 9-401. License required.
- § 9-402. Application.
- § 9-403. Bond.
- § 9-404. Rates and charges.

Article V. Tattoo Establishments

- § 9-501. Definitions.
- § 9-502. License required.
- § 9-503. Application – fee.
- § 9-504. License – fee.
- § 9-505. Inspection certificate prerequisite.
- § 9-506. Customer records required.
- § 9-507. Minors prohibited – exceptions.
- § 9-508. Customer health restrictions.
- § 9-509. Premises – general condition.
- § 9-510. Procedure – sterilization requirements.
- § 9-511. Instruments – storage, sterilization and use.
- § 9-512. Bandages and surgical dressings.

²⁴ As to authority of municipalities to license, tax and regulate businesses, see Wyo. Stat. §15-1-103(a)(xiii) (or as subsequently amended); as to liquor licenses, see Chapter 3 of this Code; as to licensing of transient merchants, see Chapter 12 of this Code.

- § 9-513. Pigments and dyes.
- § 9-514. Inspections.
- § 9-515. Order to comply.
- § 9-516. Liability insurance.
- § 9-517. Violation – penalty.

Article VI. Gaming

- § 9-601. Gaming Assessment Certificate.
- § 9-602. State coordination.
- § 9-603. Penalty.

ARTICLE I. PAWNBROKERS

Sec. 9-101. License.²⁵

Every person engaged in the business of pawnbroker or pawnshop operation within the corporate limits of the Town shall be required to obtain a license from the Town. (Ord. No. 667, 4/4/89, 1)

Sec. 9-102. Records.

Every pawnbroker engaged in the business of accepting pawns or pledges shall keep an accurate record showing a complete description of all articles pawned or purchased, the date of the pawn or purchase, the name and address, or names and addresses of the person pawning, selling or pledging any article, the amount for which the same is pledged or purchased by the pawnbroker and the date upon which the pledge expires. This record shall be available at all times to any peace officer of the Town or the State. (Ord. No. 364, 2/8/50, 2)

Sec. 9-103. Firearm serial numbers.

Every pawnbroker shall in the case of firearms be required and is hereby required to keep a record of the serial number of every firearm pawned, purchased or sold by said pawnbroker. This requirement shall be in addition to the information and record required in Sec. 9-102 above. (Ord. No. 364, 2/8/50, 3)

Sec. 9-104. Compliance with Wyoming Statutes.

Every person engaged in the business of pawn broker or pawn shop operations shall comply with the provisions of Wyoming Statutes Title 40, Chapter 14, Article 3, Part 7. Pawnshop Operations (§§ 40-14-359 through 40-14-361), as subsequently amended. This requirement shall be in addition to the matters required in §§ 9-102 and 9-103 above. (Ord. No. 667, 4/4/89, 2)

Sec. 9-105. Penalty.

Violation of any of the provisions of this Ordinance or the remaining provisions of Ordinance No. 364 (Town Code Section 9-102 and 9-103) shall be deemed a misdemeanor, and upon conviction thereof shall be punished as provided by law. (Ord. No. 667, 4/4/89, 3)

²⁵ As to authority of municipalities to regulate pawnbrokers and junk dealers, see Wyo. Stat. §15-1-103(a)(xlili) (or as subsequently amended.)

ARTICLE II. TRANSIENT PHOTOGRAPHERS.

Sec. 9-201. License; fee.

(a) No person, firm or corporation shall engage in any way whatsoever in operating that business commonly known as photography, or take any pictures for gain, or in any way act as a photographer at any place within the Town that does not have a fixed place of business, and is otherwise not a bona fide resident of the Town, without first obtaining a license from the Town Clerk.

(b) The Town may in its discretion issue said license after being paid \$100.00 in advance. (Ord. No. 409, 11/5/56, 1, 2)

ARTICLE III. JUNK DEALERS.

Sec. 9-301. License.

No person, firm or corporation shall engage in the business of buying or selling junk, refuse and waste matter in the Town without having first obtained a license. Such license shall be issued by the Town Clerk and signed by the mayor, shall be for a period of one year after issuance, and shall give the licensee the right to transact business as a junk dealer within the Town during said period. (Ord. No. 318, 3/5/37, 1, 2)

ARTICLE IV. TAXICABS.

Sec. 9-401. License required.

No person or firm shall use or cause to be used, or keep on the streets of the Town any taxicab, carriage, or other conveyance for transportation of passengers for hire without first having obtained a license therefore. (Ord. No. 488, 12/6/67, 1)

Sec. 9-402. Application.

Every person desiring such a license shall make application to the Town Council, and file the application in the office of the Town Clerk, stating in the application the name of the applicant, the owner of the vehicle to be used, and the kind of vehicle to be used. A license fee of \$80.00 shall be paid to the Town on or before January 1st of each year, and said license shall be valid until December 31st of the following year. No license shall be issued for a period of less than one year. Any person or firm desiring to take out more than one license may receive additional licenses for the sum of \$40.00 apiece. The applicant may substitute one vehicle for another during the term of his license, upon written notice

to the Town Clerk. Licenses shall be displayed in the principal office of the person or firm operating under the license, which display shall be in a conspicuous place. The licenses are hereby declared to be a personal privilege and shall not be assignable or transferable to any other person or firm. The initial number of licenses to be issued is limited to two in number, and any licenses over two licenses are to be based on figures of the Federal Census first preceding the time of application, and at such time as there is a population of 2,000 persons for each existing license, one additional license may be issued for each additional 2,000 population or major fraction thereof. (Ord. No. 488, 12/6/67, 2)

Sec. 9-403. Bond.

Before any license as herein required is granted, the applicant shall execute and deliver to the Town Clerk a good and sufficient bond in the penal sum of \$500.00 with one or more sufficient sureties, to be approved by the Town Council, to the Town as obligee, conditioned on the faithful discharge of the duty of such licensee as carrier of passengers for hire and for the faithful observance of the ordinances of said Town, and for the payment of all fines and penalties for which the licensee, his agents or employees, shall become liable as such carrier, through the violation of any ordinances of the Town. Before any license as herein required is granted, such applicant shall submit to the Town Council evidence of his or her having complied with the Financial Responsibility Act of the State of Wyoming. (Ord. No. 488, 12/6/67, 3)

Sec. 9-404. Rates and charges.

(a) No owner or driver of any taxicab, carriage or other conveyance for the transportation of passengers for hire shall be allowed to charge a lower price or rate for services within the Town than herein designated, for conveying passengers from one place to another in this Town, making stops for passengers enroute, for package delivery, baggage and return of same fare, to-wit:

For each passenger up to three anywhere in Town limits to the State Park and County Hospital -----	\$.60
Each person outside city limits within one mile -----	\$1.10
Each stop will be charged at -----	\$.30
Each hour of waiting -----	\$4.00
Out of town trips, per mile -----	\$.40

(b) Every taxicab, carriage or other conveyance for the transportation of passengers for hire shall have on display and keep exposed to view in or upon such vehicle, a printed table of the rates and prices so fixed. (Ord. No. 488, 12/6/67, 4)

ARTICLE V. TATTOO ESTABLISHMENTS.

Sec. 9-501. Definitions.

“Certificate of Inspection” means written approval from the health officer or his authorized representative, that a tattooing establishment has been inspected and meets all the terms of this ordinance relating to physical facilities, equipment and layout for operation of such business.

“Health Officer” means the health officer of the Town of Thermopolis or his representative.

“Operator” means any person who owns or operates an establishment where tattooing is performed, and any individual who performs or practices the art of tattooing on the person of another.

“Tattoo”, “tattooed” or “tattooing” means any method of pacing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin, including forced air devices. This definition shall not apply to medical doctor or doctors of veterinary medicine in performance of their professional duties. (Ord. No. 700, 2/1/94, 1)

Sec. 9-502 License required.

It is unlawful for any person to engage in the business of operating a tattoo establishment without first obtaining a license to engage in such business in accordance with the provision of this ordinance. (Ord. No. 700, 2/1/94, 2)

Sec. 9-503 Application – fee.

(a) An application for a license shall be accompanied by a fee in the amount of \$25.00; provided, however, that no application fee shall be required for renewal of an existing license. Any change of ownership shall require a new application and license, with payment of fees therefore.

(b) A written application giving the following information shall be obtained from the Town Clerk:

(i) The name, address (both legal and local address), age, date and place of birth of the applicant;

(ii) The names and addresses of all partners, if a partnership, and the names and addresses of all officers and stockholders, if a corporation;

(iii) The names of all employees and their exact duties, experience and training;

(iv) Repealed 3/1/94 (see Ord. 701, Section 1)

(v) The location where the applicant proposes to conduct the tattooing;
and

(vi) A statement of a physician of the Town, dated not more than 30 days prior to submission of the application, certifying the applicant and all employees to be free of infections, contagious or communicable disease, including syphilis, hepatitis B, T-B, HIV and AIDS or other sexually transmitted diseases as defined by Wyoming law, rule or regulation. (Ord. No. 700, 2/1/94, 3)

Sec. 9-504. License – fee.

Upon the completion of all of the requirements to be licensed, the Town will issue the license which must be renewed annually by the licensee on the issue date. (Ord. No. 701, 3/1/94, 2)

Sec. 9-505. Inspection certificate prerequisite.

An applicant for a license to operate a tattooing establishment shall first obtain a certificate or inspection from the Town health officer, indicating that the establishment has been inspected and is in compliance with the provision of this ordinance, and shall present the same to the Town Clerk prior to the issuance of any license. (Ord. No. 700, 2/1/94, 5)

Sec. 9-506. Customer records required.

(a) Permanent records for each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing operation begins, the patron or customer shall be required personally to enter, on a record form provided for such establishment, the date, his name, address, age, serial number (if a member of the Armed Forces) and his signature. Such record shall be maintained in the tattoo establishment and shall be available for examination by the Town health officer. Records shall be retained by the operator or licensee for a period of not less than 2 years. In the event of a change of ownership or closing of the business, all such records shall be made available to the Town health officer.

(b) Before administering a tattoo, the patron shall be advised that the tattoo should be considered permanent; that it can be only removed with a surgical procedure; and that any effective removal will leave permanent scarring and disfigurement. A written cautionary notice to that effect shall be furnished to and signed by the patron, and this shall be kept with the records of each patron. In addition, each patron shall sign a statement to the effect that the patron is not under the influence of drugs and/or intoxicating liquor or drink at the time of the administration of the tattoo, and such condition shall be verified by the employee or individual administering the tattoo who shall sign the statement with the patron. (Ord. No. 700, 2/1/94, 6)

Sec. 9-507. Minors prohibited – exceptions.

No operator, or the servant or employee of such operator, shall tattoo any person under the age of 18 years, unless such licensee, his servant or employee, is provided written, notarized consent of the parent or legal guardian of the person under the age of 18 years. Proof of age shall be required by the operator. (Ord. No. 701, 3/1/94, 3)

Sec. 9-508. Customer health restrictions.

(a) No tattooing shall be done on skin surfaces which have a rash, pimples, boils, infections or which manifest any evidence of unhealthy conditions.

(b) Inquiry shall be made and anyone giving a history of recent jaundice or hepatitis may not be tattooed.

(c) No person, customer or patron having any skin infection or other disease of the skin, or any communicable disease or sexually transmitted disease as defined by Wyoming law, rule or regulation, shall be tattooed. All infections resulting from the practice of tattooing which become known to the operator shall promptly be reported to the Town health officer by the person owning or operating the tattooing establishment, and the infected client shall be referred to a physician. (Ord. No. 700, 2/1/94, 8)

Sec. 9-509. Premises – general conditions.

Every person who operates a tattooing establishment shall comply with the following requirements:

(a) The room in which tattooing is done shall have an area of not less than 100 square feet. The walls, floors and ceilings shall have an impervious, smooth, washable surface and shall be painted or finished in a light color. Carpeting is prohibited in tattooing area(s).

(b) A toilet shall be located in the establishment and shall be accessible at all times that the tattooing establishment is open for business. The lavatories shall be supplied

with hot and cold running water, soap and single-use towel dispensers, and shall be located in the room where the tattooing is performed. Carpeting is prohibited in toilet room(s).

(c) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth, washable finish, and shall be separated from waiting customers or observers by a panel of at least 4 feet high.

(d) The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.

(e) Waste materials and items containing bodily fluids and/or blood shall be deposited in an easily cleanable covered waste container, located in the tattooing area. Needles, razors and other sharp instruments shall be disposed of in a Sharps-type container. The waste materials and Sharps-type container shall then be delivered by the operator to and disposed of by incineration at the Hot Springs Memorial Hospital. (Ord. No. 700, 2/1/94, 9)

Sec. 9-510. Procedure – sterilization requirements.

(a) The operator shall wash his hands thoroughly with antiseptic liquid soap and water before starting to tattoo. The hands shall be dried with individual, single-use towels. The operator shall use universal health precautions.

(b) The area to be tattooed shall first be thoroughly washed for a period of 2 minutes with warm water, to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing is begun, a solution of 70% alcohol shall be applied to the area with a single-use sponge, used and applied with a sterile instrument.

(c) Single-service or individual containers of dye or ink shall be used for each patron and the container therefore shall be discarded immediately after completing work on a patron. Any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual, sterile sponge or a disposable paper tissue, which shall be used only on one person and then immediately discarded. After completing work on any person, the tattooed area shall be washed with sterile gauze, saturated with an antiseptic soap solution approved by the Town health officer, or a 70% alcohol solution. The tattooed area shall be allowed to dry and petroleum jelly or a triple antibiotic, as approved by the Town health officer, from a collapsible or plastic tube shall be applied, using sterile gauze.

(d) Only petroleum jelly in collapsible metal or plastic tubes, or its equivalent as approved by the Town health officer, shall be used on the area to be tattooed, and it shall be applied with sterile gauze.

(e) The use of styptic pencils, alum blocks or other solid styptics to check the flow of blood is prohibited. (Ord. No. 701, 3/1/94, 4)

Sec. 9-511. Instruments – storage, sterilization and use.

(a) Safety razors with a new, single-service blade for each customer or patron, or a straight-edge razor may be used and shall be thoroughly cleaned and sterilized, as required by the health officer, before use on each customer or patron.

(b) All clean and ready-to-use needles and instruments shall be kept in a closed glass or metal storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

(c) A steam sterilizer (autoclave) shall be provided for sterilizing all needles and similar instruments before use on any customer, person or patron. (Alternate sterilizing procedures may only be used when specifically approved by the Town health officer.) Sterilization of equipment shall be accomplished by exposure to live steam for at least 30 minutes at a minimum pressure of 15 pounds per square inch, at a temperature of 200 degrees Fahrenheit. The autoclave shall be provided with a thermometer reading +/- degrees accuracy, and an accurate steam pressure gauge. Sterilization indicators shall be used and placed in the densest and largest pack in the sterilizer. The autoclave shall be inspected upon installation and annually thereafter. Proof of inspection shall be provided to the health officer and Town Clerk.

(d) The needles and instruments required to be sterilized shall be so used, handled and temporarily placed during the tattooing so that they shall not be contaminated. (Ord. 700, 2/1/94, 11)

Sec. 9-512. Bandages and Surgical Dressings.

All bandages and surgical dressings used in connection with the tattooing of a person shall be sterile. (Ord. No. 700, 2/1/94, 12)

Sec. 9-513. Pigments and Dyes.

All pigments, dyes, colors, etc., used in tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances, and the pigments, dyes and color used from stock solutions for each customer or patron shall be placed in a single-service receptacle, and such receptacle and remaining solution shall be discarded after use on each customer or patron. (Ord. No. 700, 2/1/94, 13)

Sec. 9-514. Inspections.

The Town health officer may conduct periodic inspections of any tattooing establishments for the purpose of determining whether or not such establishment and the

persons performing the act of tattooing therein are in compliance with all applicable health provisions contained within this ordinance and other laws. It is unlawful for any person or operator of a tattooing establishment willfully to prevent or restrain the health officer from entering any licensed establishment where tattooing is being performed, for the purpose of inspecting such premises, after proper identification is presented to the operator. The licensee shall be inspected by the Town health officer at least once every year, to-wit: prior to licensure and each year prior to license renewal, at the expense of the licensee. A report of such inspection or any other periodic inspection done by the Town health officer shall be filed with the Town Clerk. (Ord. No. 701, 3/1/94, 5, Ord. No. 757, 1/1/02)

Sec. 9-515. Order to Comply

The Town health officer shall issue to the affected person or licensee a provisional order to comply with this ordinance, apprising such person or licensee of the specific violations and setting forth herein the time allowed for compliance. Upon failure or refusal to comply with the provisional order, the Town health officer shall make such order final and suspend or revoke the issued license, in which case, upon receipt of such final order, the licensee shall immediately cease all business permitted by such license. (Ord. No. 700, 2/1/94, 15)

Sec. 9-516. Liability insurance.

(a) The licensee shall maintain a liability insurance policy with a policy limit of not less than \$50,000.00 insuring the licensee against any acts or omissions that licensee may do or not do in the course of performing any of the acts which are licensed under this ordinance. (Ord. No. 754, 10/26/01)

(b) Proof of insurance shall be filed with the Town Clerk and the agent issuing said policy notified by licensee that in the event of cancellation, the Town of Thermopolis be notified.

(c) The licensee shall not limit the licensee's liability by use of any forms which contain waivers of liability. (Ord. No. 701, 3/1/94, 7)

Sec. 9-517. Violation – penalty.

In addition to the revocation and suspension of any license as provided in this ordinance, any operator or other person who violates any provision of this ordinance is guilty of a misdemeanor punishable by a fine of not more than \$750.00. (Ord. No. 700, 3/1/94, 17, Ord. No. 754, 10/26/01) (Ord. No. 800, 5/10/07)

ARTICLE VI. GAMING.

Sec. 9-601. Assessment certificate.

(a) No person shall engage in any type of gaming activity in accordance with State law, without a Gaming Assessment Certificate as provided herein.

(b) The Town Clerk shall issue a Gaming Assessment Certificate to any person who:

(i) Possesses and files with the Town Clerk, a certified copy of a Gaming License issued by the Wyoming Limited Gaming Commission, to the person applying for the Gaming Assessment Certificate; and

(ii) Pays a local assessment in cash pursuant to Wyo. Stat. § 16-10-600 of \$500.00 for each machine and table listed in the Gaming License issued by the Wyoming Limited Gaming Commission, per year in advance; and

(iii) Possess and files a Use Permit issued by the Town Codes Administration, according to the terms of the Town Code showing that the Gaming location complies with all zoning restrictions and requirements; and

(iv) Possesses and files a Building Certificate of Occupancy, signed by the building official having jurisdiction, showing that the building complies with all building codes applicable to a building used as a gaming establishment; and

(v) Possesses and files a Fire Code Compliance Certificate annually, signed by the fire marshal having jurisdiction, showing that the gaming establishment is in compliance with the currently adopted fire code.

(vi) Provided that no person may be issued more than one current Gaming Assessment Certificate; and

(vii) Provided further that only one current Gaming License Assessment Certificate may be issued for any one Zone lot within the Town.

(viii) The Gaming Assessment Certificate shall be posted in a conspicuous place on the premises.

(Ord. No. 706, 11/1/94, 1)

Sec. 9-602. State Coordination.

In order to efficiently administer this ordinance the Town of Thermopolis shall request the earliest possible notice of all applications for Gaming Licenses within Thermopolis from the Wyoming Limited Gaming Commission so that it may advise the

Commission whether the Application is consistent with the Town Zoning Code. In addition the Town shall request that the Wyoming Limited Gaming Commission adopt a rule that it will not issue Gaming Licenses which are not consistent with local zoning ordinances and other similar regulations. (Ord. No. 706, 11/1/94, 2)

Sec. 9-603. Penalty

Any person convicted of violating this Article is guilty of a misdemeanor punishable by a fine of not more than Seven Hundred Fifty Dollars (\$750.00) plus court costs, and the revocation of the Gaming Assessment Certificate. (Ord. No. 706, 11/1/94, 3)

**CHAPTER 10.
MOTOR VEHICLES AND TRAFFIC.**

Article I. In General.

- § 10-101. Uniform Act Regulating Traffic on Highways adopted.
- § 10-102. Same -- Special definitions.
- § 10-103. Speed limits.
- § 10-104. Careless driving.
- § 10-105. Vehicles not to be driven through safety zones.
- § 10-106. Leaving curb.
- § 10-107. Parking in alleys.
- § 10-108. Funeral processions -- Driving through prohibited.
- § 10-109. Use of roller skates, coaster, etc., restricted.
- § 10-110. Permission required for parade.
- § 10-111. Entering or exiting vehicle in motion.
- § 10-112. Entering or exiting vehicle -- Interference with traffic flow.
- § 10-113. Railroad trains not to block streets.
- § 10-114. White canes -- Authorized.
- § 10-115. Same -- Unlawful for sighted person to carry.
- § 10-116. Same -- Treatment of person carrying.
- § 10-117. Towing.
- § 10-118. Vehicle and load widths restricted.
- § 10-119. School zones.
- § 10-120. Storage of vehicles on thoroughfares prohibited.
- § 10-121. Streets not to be used by vehicles for primary purpose of advertising.
- § 10-122. Driving without properly issued license.
- § 10-123. Drag racing and exhibition of speed or acceleration prohibited.
- § 10-124. Siren alarm -- Unlawful to sound.
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- § 10-126. Disposition of traffic fines and forfeitures of bail.
- § 10-127. Authority to impound vehicles.
- § 10-128. Special Vehicle regulations for traffic on 14th Street and Canyon Hills Road.
- § 10-129. Engine Compression Brakes.
- § 10-130. Prohibition of minors riding in open pick up truck.
- § 10-131. Special regulations for traffic on Broadway and Arapahoe.
- § 10-132. Canyon Hills Road and US Highway 20 access.

**Article II. Driving While Under the Influence
of Intoxicating Liquor or Controlled Substance.**

- § 10-201. Tests need not be within Town limits.

Article III. Parking.

- § 10-301. Diagonal parking.
- § 10-302. Permit for loading or unloading.
- § 10-303. Parking over 24 hours prohibited.
- § 10-304. Parking upon roadway for sale, repair or washing of vehicle prohibited.
- § 10-305. Parking of large trucks restricted.
- § 10-306. Town Council to designate loading zones.
- § 10-307. Loading zone vehicle restrictions.
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- § 10-309. Town Council to designate public carrier stands.
- § 10-310. Bus and taxicab parking restrictions.
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- § 10-312. Notice of violation to be affixed to unattended vehicle.
- § 10-313. Same -- Failure to comply.
- § 10-314. Same -- Presumption upon prosecution.
- § 10-315. Same -- When complaint to be issued.
- § 10-316. Special parking regulations for Broadway Street.
- § 10-317. Parking restricted on Highways 20 and 120.
- § 10-318. Permit required to park for deliveries.
- § 10-319. Handicapped parking.
- § 10-320. Truck tractor and semi-trailer parking in residential districts -- Definitions.
- § 10-321. Same -- Restrictions.
- § 10-322. Same -- Residential truck services.
- § 10-323. Same -- Visibility restrictions.
- § 10-324. Same -- Impoundment.
- § 10-325. Same -- Penalty.
- § 10-326. Placement of signs regulating parking.
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Article IV. Parking Meters.

§10-401 ET. SEQ. DELETED

Article V. Emergency Snow Routes.

- § 10-501. Designation of snow emergency.
- § 10-502. Effective period of snow emergency.
- § 10-503. Designation of snow emergency routes.
- § 10-504. Emergency snow route procedures.
- § 10-505. Emergency snow route signs.

ARTICLE I. IN GENERAL.

Sec. 10-101. Uniform Act Regulating Traffic on Highway Adopted.²⁶

(a) Pursuant to Wyo. Stat. §15-1-119(a), the following substantive provisions of the Uniform Act Regulating Traffic on Highways are hereby adopted by this reference, and incorporated herein as if set out verbatim: Wyo. Stat. §31-5-101 through §31-5-1601, together with any amendments or additions thereto taking effect on July 1, 2011; and also adopting any substantive provisions that may be amended within the Uniform Act Regulating Traffic on Highways by the State Legislature from this time forward, as well as any additions to the Act enacted by the Wyoming Legislature from this date forward. (Ordinance No. 830 08/16/2011, 1)

(b) A copy of the Uniform Act Regulating Traffic on Highways and amendments thereto is on file in the Office of the Clerk of the Town. (Ord. No. 761 8/20/02)

Sec. 10-102. Same -- Special definitions.

For the purposes of this Article, the word or words in the left column below, when appearing in The Uniform Act Regulating Traffic on Highways, shall be construed to mean the word or words appearing directly across in the right column:

(a) Highway	Streets and public ways
(b) Department	Chief of Police
(c) State	Town
(d) Superintendent	Chief of Police
(e) Highway Patrolman	Police Officer
(f) Highway Department	Town
(g) Commission	Chief of Police
(h) Justice of the Peace	Municipal Judge
(i) County	Town
(j) Fiscal Officer	Town Clerk

(Ord. No. 581, 12/31/80, 3)

Sec. 10-103. Speed limits.

²⁶ For authority of municipalities to adopt by reference The Uniform Act Regulating Traffic on Highways, see Wyo. Stat. §15-1-119; for speed limits on Town streets that are state highways, see Wyo. Stat. §24-1-127.

No person shall drive a vehicle within the Town limits so as to endanger the life, limb or property of any person, or at a speed that is not reasonable and prudent under all conditions then existing, such as other traffic, the width, use and condition of the street or intersection, and all other attendant circumstances. (Ord. No. 376, 12/21/51, 42)

Sec. 10-104. Careless driving.

Every person operating a vehicle on the streets or highways of the Town shall drive the same in a careful and prudent manner, having regard for the width, grade, and curves, corners, traffic and use of the streets, and all other attendant circumstances so as not to endanger the life, limb or property of any person. (Ord. No. 376, 12/21/51, 57)

Sec. 10-105. Vehicles not to be driven through safety zones.

No vehicle shall at any time be driven through or within a safety zone. (Ord. No. 376, 12/21/51, 72)

Sec. 10-106. Leaving curb.

When parked at a curb, no driver shall drive therefrom until the line of traffic from the rear, proceeding in the same direction, is sufficiently clear to permit him to enter traffic without accident. (Ord. No. 376, 12/21/51, 98)

Sec. 10-107. Parking in alleys.

No vehicle shall be parked in any alley, at any hour of the day or night, except commercial vehicles, when loading or unloading merchandise, and then for no period to exceed 15 minutes. (Ord. No. 376, 12/21/51, 118)

Sec. 10-108. Funeral processions -- Driving through prohibited.

No driver of a vehicle shall knowingly drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this Article. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers. (Ord. No. 376, 12/21/51, 61)

Sec. 10-109. Use of roller skates, coaster, etc., restricted.

No person upon roller skates, or riding in or by the same means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing, such person shall be granted all of the rights and shall be

subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a play street. (Ord. No. 376, 12/21/51, 27)

Sec. 10-110. Permission required for parade.

No streets of the Town shall be used by any person or organization, for any parade or street assemblage, without having first obtained permission therefore from the Chief of Police. (Ord. No. 376, 12/21/51, 64)

Sec. 10-111. Entering or exiting vehicle in motion.

No person shall board or alight from any vehicle while such vehicle is in motion. (Ord. No. 376, 12/21/51, 69)

Sec. 10-112. Entering or exiting vehicle -- Interference with traffic flow.

No person shall enter or get out of any vehicle from the side facing the traveled part of the street or roadway in such a manner as to interfere with the flow of traffic. (Ord. No. 376, 12/21/51, 73)

Sec. 10-113. Railroad trains not to block streets.

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than five minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. (Ord. No. 376, 12/21/51, 71)

Sec. 10-114. White canes -- Authorized.

To safeguard against traffic accidents, pedestrians who are wholly or partially blind are hereby authorized, and it is desired, that they shall carry and use at all times when upon any public thoroughfares of the Town, walking sticks or canes which are white in color or white with red at the base. Such canes shall be accepted means of identifying upon any thoroughfare of the Town pedestrians who are wholly blind or partially blind. (Ord. No. 376, 12/21/51, 75)

Sec. 10-115. Same -- Unlawful for sighted person to carry.

It shall be unlawful for any person, other than one wholly or partially blind, to carry or use on any thoroughfare any cane which is white in color, or white with red at the base. (Ord. No. 376, 12/21/51, 76)

Sec. 10-116. Same -- Treatment of person carrying.

Every driver or operator of any vehicle and every pedestrian shall be alert at all times to observe any such white cane in use on any thoroughfare, and shall, whenever occasion arises, concede the right of way, lend any assistance possible, and use all necessary precaution to avoid accident or injury to any person carrying or using such cane. (Ord. No. 376, 12/21/51, 77)

Sec. 10-117. Towing.

No vehicle shall tow more than one other vehicle or trailer. (Ord. No. 376, 12/21/51, 77)

Sec. 10-118. Vehicle and load widths restricted.

No person shall drive through the streets any vehicle, the width of load of which exceeds the limitations specified under the Wyoming Motor Vehicle Laws in current use. (Ord. No. 376, 12/21/51, 80)

Sec. 10-119. School zones.

The designation of "school zones" covers only the days when schools are in session, and such hours as children are en route to and from school. Every driver of a motor vehicle shall exercise extreme care in approaching and driving through such areas. At those intersections adjacent to schools where stop signs are maintained at various hours of the day, it shall be the duty of every driver of a motor vehicle to stop and permit any child to cross, when such child or children are waiting at the curb or within five feet thereof. (Ord. No. 376, 12/21/51, 92)

Sec. 10-120. Storage of vehicles on thoroughfares prohibited.

No owner, manager or employee of any garage, salesroom, shop or other place of business shall permit any vehicle, whether the same be stock in trade, or left for safe keeping, repair or storage, to be or remain in or upon any alley, street or sidewalk, or in any space between the street and the property line adjacent to, in front of, or beside any premises in the Town. (Ord. No. 376, 12/21/51, 95)

Sec. 10-121. Streets not to be used by vehicles for primary purpose of advertising.

No person shall operate or park upon any street any vehicle for the primary purpose of advertising, either with or without permission from the Chief of Police. (Ord. No. 376, 12/21/51, 97)

Sec. 10-122. Driving without properly issued license.

It is hereby declared unlawful for any person to operate any motor vehicle in any way within the Town, without having a properly issued license as provided by Wyoming Statutes. (Ord. 457, 8/5/63, 1)

Sec. 10-123. Drag racing and exhibition of speed or acceleration prohibited.

(a) It shall be unlawful for any person to engage or participate in any motor vehicle speed or acceleration contest, commonly known as a drag race, or to engage or participate in any exhibition of speed or acceleration on any street within the Town limits. (Ord. No. 851 05/15/2018, 1)

(b) It shall be unlawful for any person to engage in exhibition of a motor vehicle's pipe or mufflers without acceleration, commonly known as racking the pipes, or creating a disturbance with loud pipes or mufflers. This provision may be cited in lieu of any breach of peace ordinance or code section. (Ord. No. 851 05/15/2018, 1)

Sec. 10-124. Siren alarm -- Unlawful to sound.

No unauthorized person or persons in possession of or operating any automobile or other vehicle within the Town equipped with siren alarm shall within the limits of the Town sound said siren or alarm or allow the same to be sounded. (Ord. No. 246, 1/8/23, 2)

Sec. 10-125. Same -- Vehicles to park when sounded.

Immediately upon the fire alarm in the Town being sounded, every person or persons upon the streets of the Town operating or in possession of an automobile or automobiles or other vehicle shall drive into the curb or parking and park their automobiles or other vehicles so as to yield the right of way to all fire department, police and emergency vehicles. (Ord. No. 246, 1/8/23, 3)

Sec. 10-126. Disposition of traffic fines and forfeitures of bail.

Fines paid or bail forfeited by any person charged with a violation of any of the provisions of this Article shall be paid into the Town treasury. (Ord. No. 376, 12/21/51, 154)

Sec. 10-127. Authority to impound vehicles.

Any vehicle found parked in any unauthorized place of in violation of any ordinance of the Town may be towed to any garage in said Town, and the owner of said vehicle shall be required to pay all charges of towing and storage incurred thereby, in addition to any penalties imposed for violation of any ordinance of the Town. (Ord. No. 376, 12/21/51, 155)

Sec. 10-128. Special regulations for traffic on 14th Street and Canyon Hills Road.

(a) Definitions

(i) "Vehicle" means a device in, upon or by which any person or property may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon rails or tracks.

(ii) "Vehicle combination" means any connected assemblage of a motor vehicle and one (1) or more other vehicles.

(iii) "Motor home" means a motor vehicle designed, constructed or equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but excluding a motor vehicle carrying a camper.

(iv) "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property. (Ord. No. 756, 11/29/01)

(b) Prohibited Operation

(i) No vehicle combination, motor home, or truck shall be operated on 14th Street or Canyon Hills Road, or any other street designated with a sign stating "NO THROUGH TRUCK TRAFFIC" or similar language within the Town limits of the Town of Thermopolis. (Ord. No. 762, 12/17/02)

(ii) It is an affirmative defense to a prosecution under Section 10-128(b) of Town Code that the vehicle combination, motor home, or truck is being operated for the sole purpose of going to or from a residence, business or school which is accessible only by 14th Street or Canyon Hill Road, or a street which has a sign

stating “NO THROUGH TRUCK TRAFFIC” or similar language. (Ord. No. 762, 12/17/02)

(iii) Any person in violation of this section is guilty of a misdemeanor, punishable by a fine of not more than Seven Hundred Fifty Dollars (\$750.00) to which may be added Court costs. (Ord. No. 756, 11/29/01)

Sec. 10-129. Engine Compression Brakes.

(a) It shall be unlawful for any person to use engine compression brakes within the limits of the Town of Thermopolis. This Ordinance shall not apply to public agencies for emergency operations, maintenance of public rights of way, including snow removal, and removal or collection of garbage.

(b) Conviction for violation of this Section shall be punishable by a fine of up to \$750.00 to which may be added Court costs. (Ord. No. 786, 9/20/05)

Sec. 10-130. Prohibition of minors riding in open pick up truck.

(a) Riding in truck beds.

(i) Except as otherwise provided in this section, no person operating a pickup truck, motor vehicle, or any other vehicle, shall permit a passenger less than eighteen (18) years of age to ride in the bed, or upon any external part of the pickup truck, or any other vehicle, on a public street or highway.

(ii) Subsection (a) of this section does not apply to the operator of any of the following:

(1) A motor vehicle operated as part of a parade pursuant to a permit issued by the local authority with jurisdiction over the street or highway;

(2) A participant in a parade or youth activity sponsored by a local Church or school;

(3) A military vehicle;

(4) An authorized emergency vehicle;

(5) A motor vehicle controlled or operated by an employer or an employee of a farm operation, construction business or similar enterprise transporting employees during the course of work activities;

(6) A motor vehicle used to transport a search and rescue team to and from the site of an emergency.

(7) A motor vehicle which has securely installed seats and safety restraints in the bed or open part of the vehicle including, but not limited to, convertibles, Subaru Brats, Broncos, Jeeps and the like.

(c) Any person convicted of violating this Ordinance is guilty of a misdemeanor punishable a fine of not more than Seven Hundred Fifty Dollars (\$750.00) to which may be added court costs. (Ord. No. 792, 6/1/06), (Ord. No. 800, 5/10/07)

Sec. 10-131 Special regulations for traffic on Broadway and Arapahoe

(a) The Speed limit on Broadway from 3rd Street to 6th Street shall be twenty (20) miles per hour as reduced from thirty (30) miles per hour. The speed zone shall be resigned in accordance with the Ordinance No. 821 08/3/2010, 1.

(b) The speed limit on Arapahoe from Senior Avenue to 6th Street shall be twenty (20) miles per hour as reduced from thirty (30) miles per hour. The speed zone shall be resigned in accordance with the Ordinance No. 821 08/3/2010, 2.

(c) The speed limit on 3rd, 4th, and 5th Streets south of Arapahoe and north of Broadway shall be reduced from thirty (30) miles per hour to twenty (20) miles per hour. The speed zone shall be resigned in accordance with the Ordinance No. 821 08/3/2010, 3.

(d) Any person convicted of violating this Code is guilty of a misdemeanor punishable in Section 6-104 of this Code. (Ord. No. 821 08/3/2010, 4)

Sec. 10-132 Canyon Hills Road and US Highway 20 Access

(a) There shall be no through access from the intersection of Canyon Hills Road with U.S. Highway 20 north to the intersection of 14th Street with Broadway Street and State Highway 120; and there shall be no through access from the intersection of 14th Street with Broadway Street and State Highway 120 south to the intersection of Canyon Hills Road and U.S. Highway 20. (Ord. No. 853 09/18/2018, 1)

(b) It shall be a violation for any driver of any motor vehicle to utilize Canyon Hills Road and 14th Street as a through street to bypass downtown/6th Street and Broadway Street from either direction and any violator shall be subject to a fine up to \$750.00. The forfeitable bond amount for such violation shall be \$150.00 plus court costs. (Ord. No. 853 09/18/2018, 2)

ARTICLE II. DRIVING WHILE UNDER THE INFLUENCE OF

INTOXICATING LIQUOR OR CONTROLLED SUBSTANCE.

Sec. 10-201. Tests need not be within the Town limits.

The tests provided for by this Article need not be administered within the Town. (Ord. No. 670, 7/18/89, 12)

ARTICLE III. PARKING.

Sec. 10-301. Diagonal parking.

Vehicles shall park at approximately a 45 degree angle with the curbing in spaces designated therefore by the Chief of Police on the following streets or portions of streets:

Broadway Street between 4th and 6th Streets;
Arapahoe Street from U.S. Highway 20 East to Courthouse Drive;
Fifth Street between Warren and Arapahoe Streets.

(Ord. No. 376, 12/21/51, 113)

Sec. 10-302. Permit for loading or unloading.

The Chief of Police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein, and it shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit. (Ord. no. 376, 12/21/51, 115)

Sec. 10-303. Parking over 24 hours prohibited.

No person shall park a vehicle for a period longer than 24 hours on any street within the Town. (Ord. No. 376, 12/21/51, 119)

Sec. 10-304. Parking upon roadway for sale, repair or washing of vehicle prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of displaying such vehicle for sale, or washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency. (Ord. No. 376, 12/21/51, 120)

Sec. 10-305. Parking of large trucks restricted.

No truck with a body longer than nine feet or wider than eight feet or with a chassis of more than 137 inch wheel base shall park on Broadway Street between 3rd and 8th Streets, or upon 6th Street between Warren and Big Horn Streets. (Ord. No. 376, 12/21/51, 124)

Sec. 10-306. Town Council to designate loading zones.

The Town Council is hereby authorized by resolution to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Section are applicable. (Ord. no. 376, 12/21/51, 125)

Sec. 10-307. Loading zone vehicle restrictions.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective and then only for a period not to exceed 15 minutes. (Ord. No. 376, 12/21/51, 126)

Sec. 10-308. Same -- Freight loading zone.

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 15 minutes. (Ord. No. 376, 12/21/51, 127)

Sec. 10-309. Town Council to designate public carrier stands.

The Town Council is hereby authorized and required to establish by resolution bus stops and taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as it shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand, or other stand shall be designated by appropriate stands. (Ord. No. 376, 12/21/51, 128)

Sec. 10-310. Bus and taxicab parking restrictions.

The driver of a bus or taxicab shall not park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in according

with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers. (Ord. No. 376, 12/21/51, 129)

Sec. 10-311. Use of bus and taxicab stands restricted.

No person shall stop, stand, or park a vehicle other than a bus in a bus stop, other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers. (Ord. No. 376, 12/21/51, 130)

Sec. 10-312. Notice of violation to be affixed to unattended vehicle.

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by this Article, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a notice in writing on a form provided by the Chief of Police, for the driver to answer to the charge against him during the hours and at a place specified in the notice. (Ord. No. 376, 12/21/51, 150)

Sec. 10-313. Same -- Failure to comply.

If a violator of the restrictions on stopping, standing or parking under the traffic laws does not appear in response to a notice affixed to such motor vehicle, the Chief of Police may send to the owner of the motor vehicle to which the notice was affixed a card or letter informing him of the violation and warning him that in the event such is disregarded, a complaint will be filed and warrant of arrest issued. (Ord. No. 376, 12/21/51, 151)

Sec. 10-314. Same -- Presumption upon prosecution.

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point when, and for the time during which, such violation occurred. (Ord. No. 376, 12/21/51, 152)

Sec. 10-315. Same -- When complaint to be issued.

In the event any person fails to comply with a notice given to such person or attached to a vehicle, fails to make appearance in the traffic court, or if any person fails or refuses

to deposit bail as required and within the time permitted by ordinance, the Chief of Police shall forthwith have a complaint entered against such person and secure and issue a warrant for his arrest. (Ord. No. 376, 12/21/51, 153)

Sec. 10-316. Special parking regulations for Broadway Street.

(a) In the center parking found on Broadway Street between 4th and 6th Streets, vehicles shall park in a northerly-southerly position, approximately parallel with streets running north and south, and no more than one row of vehicles shall be parked within the spaces designated by the Chief of Police.

(b) It shall be and hereby is declared to be unlawful for any truck, motor vehicle or conveyance weighing more than three-fourths of a ton to park, be or remain in the parking area of Broadway Street between 5th and 6th Streets, and no owner or driver of any such truck or vehicle shall allow such truck or vehicle to park upon or be upon or remain upon the said parking at any time. (Ord. No. 319, 3/5/37, 1)

Sec. 10-317. Parking restricted on Highways 20 and 120.

On Highways 20 and 120 within the limits of the Town of Thermopolis, no person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement, and with the right hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as otherwise provided in this Article. (Ord. No. 376, 12/21/51, 112)

Sec. 10-318. Permit required to park for deliveries.

No owner or driver of any truck or vehicle engaged in the transportation or delivery of goods, wares or merchandise to any merchant or any person in the Town shall occupy the streets for the purpose of parking a truck or vehicle for the purpose of delivering any goods, wares, personal property or merchandise without first having obtained a written permit from the Chief of Police of the Town to do so. (Ord. No. 319, 3/5/37, 2)

Sec. 10-319. Handicapped parking.

(a) It shall be unlawful for any person to whom the Wyoming Department of Revenue has not issued a handicapped parking permit identification card in accordance with Wyo. Stat. §31-4-408 to park any vehicle in an individual parking space reserved and posed for the handicapped.

(b) Failure to display the handicapped parking permit in accordance with state statutes shall be prima facie evidence of the unlawful parking of any vehicle by its operator or owner in the space reserved for the handicapped.

(c) Town Code Sections 10-413 and 10-414 shall govern the reporting of violations and notice of violations of this Section. Each owner or operator may, within 24 hours of the time when notice of violation is attached to a vehicle, pay as penalty for and in full satisfaction of such violation the sum of \$5.00. After 24 hours, the sum becomes \$8.00. The failure of the owner or operator to make payment shall render the owner or operator subject to the penalties provided for violation of the provisions of the Town Code. (Ord. No. 620, 11/5/84, 1, 2, 3)

Sec. 10-320. Truck Tractor and Semi-Trailer Parking -- Definitions

For the purposes of Sections 10-321 through 10-325, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(a) Designated Zoned Districts -- Low Density Residential District, Medium Density Residential District, General Residential District and Central Business District as defined by the Town of Thermopolis Zoning Map.

(b) 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, and does specifically include, but is not limited to, truck tractors used to pull, semi-trailers, mobile homes and tractors designed to lift, pull or haul other equipment, structures, vehicles or tractors.

(c) Semi-Trailer -- Any trailer type vehicle, designed to haul freight, liquids, gases and livestock, and designed and used in such a way that some of its own weight and its load rests on or is carried by the motor vehicle that tows it.

(d) Vehicles -- Any device in, upon or by which any person or property is, or may be, transported or drawn upon a highway or street.

(e) Park -- To make the vehicle or trailer stationary or bring to a stop, with or without the engine running or with or without the operator present, precluding the momentary stops required to comply with regulatory traffic signs or traffic laws required to be obeyed in the normal operation of the vehicle.

(f) Temporary Stopping -- Stopping for a brief period of one (1) hour or less. (Ord. No. 711, 11/7/95, 1, Ord No. 767, 5/20/03)

Sec. 10-321. Same -- Restrictions.

No person, firm, company, corporation or governmental entity shall park any commercial semi-trailer which is longer than twenty feet (20') in length, or wider than

eight feet (8') in width, connected or not connected to a truck tractor, upon any public street, public alley or public property in a designated zoned district within the Town of Thermopolis. No truck tractor shall be started, run, driven, moved and idled, within designated zoned districts, between the hours of 10:00 p.m. and 6 a.m. Truck tractors may be started, run, driven, moved and idled, within designated zoned districts, between the hours of 10:00 p.m. and 6 a.m. but shall not be idled for more than thirty (30) consecutive minutes within any designated zoned district. (Ord. No. 711, 11/7/95, 2, Ord. No. 767, 5/20/03)

Sec. 10-322. Same -- Residential Truck Services.

Section 10-321 shall not preclude commercial vehicles from temporarily stopping in designated zoned districts to make deliveries or pick-ups, nor shall it preclude utility or government vehicles from temporarily stopping in designated zoned districts on service calls or other official business, nor shall any part of Section 10-321 regulate parking upon any state or federal highway right-of-way. (Ord. No. 711, 11/7/95, 3, Ord. No. 767, 5/20/03)

Sec. 10-323. Same -- Visibility Limitations.

No vehicle shall stop, stand or park so as to block visibility of any warning or regulatory sign, nor closer than forty feet (40') to intersecting streets in designated zoned districts. (Ord. No. 711, 11/7/95, 4, Ord. No. 767, 5/20/03)

Sec. 10-324. Same -- Impoundment.

Any vehicle parked in violation of Sections 10-321 through 10-323 that is determined by the Chief of Police to be a threat to the health and welfare of the neighborhood may be impounded by the Town of Thermopolis and the owner shall pay the impound, storage and towing charges before such vehicle shall be returned to the possession of the owners. (Ord. No. 711, 11/7/95, 5, Ord. No. 767, 5/20/03)

Sec. 10-325. Same -- Penalty.

Any person found guilty of violating any provision of Sections 10-321 through 10-323 is guilty of a misdemeanor punishable by a fine of not more than \$750.00. Each day of such violation shall be deemed a separate offense. (Ord. No. 711, 11/7/95, 7, Ord. No. 767, 5/20/03) (Ord. No. 800, 5/10/07)

Sec. 10-326. Placement of Signs Regulating Parking.

The Mayor and Council for the Town of Thermopolis may, with respect to streets under its jurisdiction, place signs prohibiting, regulating the time of, or restricting the

parking of vehicles, where in the opinion of the Town Council, parking is dangerous to those using the public ways or where the parking of vehicles would unduly interfere with free movement of traffic, or where it is necessary to regulate parking for the welfare of the general public. It shall be unlawful for any person to willfully park a vehicle in violation of the restrictions, regulations, or prohibitions stated on the signs. (Ord. No. 718, 3/5/96, 1,2)

Sec. 10-327. Same -- Penalty.

Every person who is convicted of a violation of Section 10-326 is guilty of a misdemeanor and upon conviction thereof is subject to a fine of not more than \$50.00. (Ord. No. 718, 3/5/96, 3)

**ARTICLE IV. PARKING METERS.
§10-401 ET. SEQ. DELETED**

ARTICLE V. EMERGENCY SNOW ROUTES.

Sec. 10-501. Designation of snow emergency.

(a) A snow emergency shall be declared when the Administrator or Street Superintendent finds there is an accumulation of three inches of snow with one of the following conditions:

(i) Additional snow actually falling or anticipated as forecasted by the National Weather Service in the next 48 hour period.

(ii) Winds actually blowing or gusting or anticipated to do so by the National Weather Service with a velocity of 25 miles per hour or more, in the next 48 hour period.

(b) If in the opinion of the Administrator and Street Superintendent, weather conditions will jeopardize public safety, a snow emergency may be declared at any time. (Ord. No. 603, 4/5/83, 1)

Sec. 10-502. Effective period of snow emergency.

(a) Provisions of this Article shall be in effect two hours after a public announcement is made by the local radio station. If the declaration of a snow emergency is made between the hours of 10:00 p.m. and 8:00 a.m., procedures shall be in effect at 8:00 a.m.

(b) Provisions shall no longer be in effect when the Administrator or Street Superintendent deems such procedures are no longer necessary and makes a public announcement. (Ord. No. 603, 4/5/83, 2)

Sec. 10-503. Designation of snow emergency routes.

Those streets and parts of streets declared by resolution of the Governing Body are the snow emergency routes for the purpose of this Article. Such resolution will be on file in the Offices of the Administrator and Clerk/Treasurer and the Police Department and may be amended from time to time. (Ord. No. 603, 4/5/83, 3)

Sec. 10-504. Emergency snow route procedures.

(a) Designated snow routes will be the first streets cleared in any snowstorm.

(b) When a snow emergency is declared by the Administrator or Street Superintendent, the following measures will be taken:

(i) Any vehicle parked or left unattended for a period of two hours or more on a designated snow emergency route may be removed or caused to be removed by a police officer. Removal or towing may be done by Town personnel or personnel and equipment may be hired for such purpose. The owner of the vehicle may be subject to the general penalty provision of Section 6-104 of the Town Code, plus responsibility of the cost of removal and storage. No notice of removal to the owner or lienholder will be required, provided the conditions of announcement of Section 10-502 above have been met.

(ii) The owners and/or operators of motor vehicles shall have full responsibility to determine existing weather conditions and to comply with emergency snow route procedures. (Ord. No. 603, 4/5/83, 4)

Sec. 10-505. Emergency snow route signs.

Signs shall be erected as soon as practicable, and maintained along all snow routes, indicating the status of these routes. (Ord. No. 603, 4/5/83, 5)

**CHAPTER 11.
OFFENSES -- MISCELLANEOUS.**

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- § 11-101. Definitions.
- § 11-102. Sale, use, and prohibition of fireworks.
- § 11-103. Permits for supervised public displays.
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Article III. Firearms.

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- § 11-501. Declared nuisance.
- § 11-502. Scope of Article.
- § 11-503. Machines, etc., equipped to avoid interference may be used.
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- § 11-505. Town Electrician authorized to enter premises for inspection.
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ARTICLE I. FIREWORKS.

Sec. 11-101. Definitions.

(a) Fireworks -- Any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation, including without limitation all items normally within the common meaning of terms firecrackers or fireworks.

(b) Person -- An individual, partnership, co-partnership, firm, company, association or corporation. (Ord. No. 512, 9/7/72, 1)

Sec. 11-102. Sale, use, and prohibition of fireworks.

(a) The sale of fireworks shall be allowed by an approved retailer who has obtained a transient business license from the Town Clerk within the corporate limits of the Town of Thermopolis. The permit granted by the town shall be for a period not exceeding 14 days cumulatively before and after the July 4th holiday. The Mayor and Council may also designate 7 days and hours of operation surrounding New Year's Eve and New Year's Day. (Ord. No. 839 05/05/2015, 1)

(i) The sale of fireworks shall take place on property owned by the retailer. (Ord. No. 839 05/05/2015, 1)

(ii) The retailer shall obtain property and liability insurance in an amount not less the \$250,000.00 per occurrence and \$500,000.00 in the aggregate, naming the Town as an additional insured. (Ord. No. 839 05/05/2015, 1)

(b) It shall be unlawful for any person to detonate, discharge or use fireworks within the corporate boundaries of the Town of Thermopolis and within one-half (1/2) mile outside the Town, except as hereinafter provided. (Ord. No. 839 05/05/2015, 2)

(c) The governing body of the Town may from time to time designate an area within the boundaries of the Town for persons to detonate fireworks and may designate such place with dates and hours for which persons may detonate fireworks. It will be entirely in the discretion of the governing body whether to designate or not designate such a place from year to year. All detonation, use or discharge of fireworks by minors shall be under adult supervision and any person participating in such activity shall assume the risk and responsibility for injury to themselves or others, or damage to property of themselves or others. The Town will not supervise any such activity and hereby disclaims any responsibility for injury to persons or property. (Ord. No. 839 05/05/2015, 3)

(d) Any person found guilty of violation of the Code shall be subject to a fine not greater than \$750.00, together with prevailing court costs. (Ord. No. 839 05/05/2015, 4)

Sec. 11-103. Permits for supervised public displays.

The Mayor, Town Council, or Chief of the Thermopolis Volunteer Fire Department shall have the power to grant permits, within the area under their jurisdiction, for supervised public displays of fireworks by individuals, fraternal organizations, or other civic organizations or groups, and to adopt reasonable rules and regulations for the granting of such permits. Every such display shall be supervised by competent persons and shall be of such a character and so located, discharged and fired, as not to be hazardous to property or to endanger any person, and all such displays shall be presented in cooperation and under the direct supervision of the Thermopolis Volunteer Fire Department. (Ord. No. 512, 9/7/72, 3)

Sec. 11-104. Sale to and use by permittee lawful.

This Article shall not prohibit any person from offering for sale, exposing for sale, selling or delivering fireworks to any above-mentioned organization holding a permit issued as herein provided, nor shall this Article preclude any person from using or exploding fireworks in accordance with the provision of any permit issued as above mentioned as long as said display is properly supervised and presented in cooperation with the Thermopolis Volunteer Fire Department. (Ord. No. 512, 9/7/72, 4)

Sec. 11-105. Seizure and disposal of illegal fireworks.

The police of the Town shall seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this Article. Such fireworks shall be destroyed or otherwise disposed of upon Order of the Judge of the Municipal Court. (Ord. No. 512, 9/7/72, 5)²⁷

ARTICLE II. SHOPLIFTING.²⁸

Sec. 11-201. Shoplifting Defined.

Any person who willfully conceals or willfully takes possession of any goods offered for sale by a wholesale or retail store or other mercantile establishment, without the knowledge and consent of the owner thereof and with intent to convert the goods to his

²⁷ As to authority of law enforcement officers to dispose of property, see Wyo. Stat. §7-2-111.

²⁸ As to the state shoplifting law, see Wyo. Stat. §6-3-404.

own use without paying the purchase price thereof, is deemed guilty of shoplifting. (Ord. No. 525, 9/14/75, 1)

Sec. 11-202. Detention and interrogation of suspect.

Any peace officer, merchant or merchant's employee who has reasonable cause for believing that a person has committed the crime of shoplifting may detain and interrogate such person in regard thereto in a reasonable manner and for a reasonable time. (Ord. No. 525, 9/14/75, 2)

Sec. 11-203. Reasonableness as a defense to actions brought by suspect.

When a peace officer, merchant or merchant's employee, with reasonable cause for believing that a person has committed the crime of shoplifting, detains and interrogates such person in regard thereto, and such person thereafter brings against the peace officer, merchant or merchant's employee civil or criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon the detention and interrogation, such reasonable cause shall be a defense to the action if the detention and interrogation were done in a reasonable manner and for a reasonable time. (Ord. No. 525, 9/14/75, 3)

ARTICLE III. FIREARMS.

Sec. 11-301. Unlawful discharge -- Firearm defined

(a) It shall be unlawful for any person to manipulate, shoot, discharge or fire any pistol, rifle, gun, shotgun, revolver, BB gun/pistol, or any other firearm or to utilize any similar weapon within the municipal limits of the Town of Thermopolis except as otherwise allowed by law, or by a designated peace officer in the course of his duty. (Ord. No. 798, 8/1/06)

Firearm shall be defined as any weapon which will or is designed to expel any projectile by the action of explosion or pressure (air, CO2). (Ord. No. 741, 8/1/00, 2), (Ord. No. 798, 8/1/06)

(b) It shall be unlawful for any person to manipulate, shoot, discharge or fire any crossbow, compound bow or recurve bow or to utilize any similar weapon within the municipal limits of the Town of Thermopolis except as otherwise allowed by law, or by a designated peace officer in the course of his duty. (Ord. No. 798, 8/1/06)

(c) This section shall not be construed to prohibit the discharge of such weapons in the operation of target shooting courses, in such places and under such conditions as will ensure the utmost safety of the public, and only after such course or target shooting

locations have been inspected and approved by the chief of police or his designatee. (Ord. No. 798, 8/1/06)

ARTICLE IV. FRAUDULENT PROCUREMENT OF FOOD, ENTERTAINMENT OR ACCOMMODATIONS. ²⁹

Sec. 11-401. Definitions.

(a) Public Establishment -- Any establishment selling, or offering for sale, prepared food or beverages or entertainment to the public generally, or any establishment leasing or renting overnight sleeping accommodations to the public generally, including, but not limited to, restaurants, cafes, dining rooms, lunch counters, coffee shops, boarding houses, hotels, motor hotels, motels, and rooming houses, except if the rental thereof is on a month-to-month basis or a longer period of time, bars, drive-in restaurants, and theaters.

(b) Agreement with such public establishment -- Any written or verbal agreement as to the price to be charged for, and the acceptance of, food, beverage, service, entertainment or accommodations, where the price to be charged therefore is printed on a menu or schedule of rates shown to or made available by such public establishment to the patron, and shall include the acceptance of such food, beverage, service, entertainment or accommodations for which a reasonable charge is made. (Ord. No. 569, 1/1/80, 1)

Sec. 11-402. Article to be posted.

A printed or typed copy of this Article shall be posted at a conspicuous place within all public establishments and sleeping accommodations within the Town (Ord. No. 569, 1/1/80, 3)

Sec. 11-403. Fraudulent procurement declared unlawful -- Limited to agreements of \$25.00 or less.

It shall be unlawful for any person, within the Town, with intent to defraud, to procure food, entertainment or accommodations in any public establishment, without making payment therefore in accordance with his agreement with such public establishment, if the total amount due under such agreement shall be \$25.00 or less. (Ord. No. 569, 1/1/80, 2)

ARTICLE V. INTERFERENCE WITH RADIO BROADCASTS.

²⁹ As to state law concerning fraudulent procurement of food or accommodations, see Wyo. Stat. §6-3-406.

Sec. 11-501. Declared nuisance.

It is hereby declared to be a nuisance for any person, firm, co-partnership, association or corporation to operate or cause to be operated any machine, device, apparatus, instrument or defective wiring of any kind whatsoever within the corporate limits of the Town, between the hours of 7:00 A.M. and 10:00 A.M., between the hours of 12:00 A.M. and 4:00 P.M., between the hours of 5:00 P.M. and 12:00 midnight, the operation of which shall cause reasonably preventable electrical interference with radio reception within said municipal limits. (Ord. No. 325, 3/3/38, 1)

Sec. 11-502. Scope of Article.

Any device or apparatus which interferes with the intelligibility of radio reception shall be considered as coming within the definition of this Article. (Ord. No. 325, 3/3/38, 2)

Sec. 11-503. Machines, etc., equipped to avoid interference may be used.

Any machines, devices or apparatus, including violet ray machines, x-ray machines, and diathermy machines, all high frequency machines or machines or instruments of any kind whatsoever may be operated and used at any time if said machines or apparatus are properly equipped to avoid all unnecessary or reasonably preventable interference with radio reception and are not negligently operated. (Ord. No. 325, 3/3/38, 3)

Sec. 11-504. Article not to regulate Federally regulated areas.

This Article shall not be held or construed to embrace or cover the regulating of any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce or the operation of which instrument, apparatus or device is licensed or authorized by or under the provisions of any act of Congress of the United States. (Ord. No. 325, 3/3/38, 4)

Sec. 11-505. Town Electrician authorized to enter premises for inspection.

The Town Electrician or his duly authorized deputies shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the installation and working of all apparatus coming within the terms of this Article, and it shall be unlawful for any person, firm, or corporation to interfere with the Town Electrician or his duly authorized deputies in making said inspection, or to refuse to permit the said Town Electrician or his deputies to enter the premises for such purposes.(Ord. No 325,3/3/38,5)

Sec. 11-506. Violator to be notified -- Compliance required within 48 hours.

When an inspection and test have been made by the Town Electrician or his deputies and it is found that equipment or apparatus coming within the terms of this Article is being operated as a nuisance in violation of this Article, the person or persons responsible for the operation of such equipment shall be notified in writing to discontinue the use of such machine or to make additions, repairs or modifications thereof in order that the same may be operated in a manner which complies with the provisions of this Article. The mailing of a registered letter addressed to the owner or operator of the machine at the premises where the machine is located shall constitute a sufficient notice for the purpose of this Article. In the event that the owner or operator of the machine does not comply within 48 hours after receipt of notice to abate said nuisance, by discontinuing the use of such machine during the hours the use of such machine is prohibited by this Article, or by repairing the same so that it complies with the provisions of this Article, such owner shall be deemed guilty of a nuisance for operating such machine or apparatus in violation of the provisions of this Article.(Ord. No. 325, 3/3/38, 6)

Sec. 11-507. Town Electrician authorized to disconnect electrical service upon non-compliance.

If any person, firm, co-partnership, association or corporation refuses to comply with the provisions of Section 11-506 above, within the 48 hour period as therein stated, to repair or discontinue the use of any such machine, apparatus or device which causes radio interference, the Town Electrician shall have the right and authority to disconnect any person, firm, co-partnership, association or corporation willfully failing or refusing to comply with such requirements for preventing radio interference from the use and service of electrical energy as furnished in the Town, and such person or persons shall not be allowed this privilege of using such electrical energy until such time as the provisions of this Article shall have been complied with and proper appliances installed on such machine, apparatus, or device so as to adequately prevent the nuisance of radio interference. (Ord. No. 325, 3/3/38, 7)

ARTICLE VI. MISCELLANEOUS OFFENSES.

Sec. 11-601. Storing, etc., old automobiles, etc., on private property.

It is unlawful for any person, firm, or corporation being the owner, occupant or in possession of or having under his, their, or its control, any lot or real estate within the Town to permit the same to be used for the dumping, storing, using or maintaining thereon, any old or dilapidated wagons, conveyances, automobiles, or old or second hand machinery or any dilapidated or unsightly buildings, equipment, erections, or personal property whereby the same shall be exposed to view from any street, streets, alley or alleys, or public places within said Town. (Ord. No. 272, 1/3/27, 1)

Sec. 11-602. Same -- Declared public nuisance.

Any person, firm or corporation violating the provisions of Section 11-601 above shall be deemed guilty of maintaining a public nuisance. (Ord. No. 272, 1/3/27, 2)

Sec. 11-603. Littering.

It shall be unlawful for any person or persons to litter. "Littering" is defined as throwing, dumping, placing or disposing of in any manner upon the streets, rights-of-way, or property of the Town; located within the corporate limits of the Town; trash, garbage, litter, rubbish, debris, paper, cans, bottles, jars, glass or any substance which would be likely to injure any person or vehicle, or which would in any manner distract from the appearance of the streets, rights-of-way or Town property. (Ord. No. 496, 9/4/69)

Sec. 11-604. Petit larceny.

A person shall not steal, take and carry, lead or drive away the property of another, having a value of not more than five-hundred dollars (\$500.00), with intent to deprive the owner or lawful possessor of the use or possession of said property. (Ord. No. 738, 7/18/00, 1)

Sec. 11-605. Breach of the peace.

It shall be unlawful for a person to disturb the peace of the Town of Thermopolis or its inhabitants by unreasonably loud noise or music or by using threatening, abusive, or obscene language or violent actions or by fighting with knowledge or probable cause to believe he will disturb the peace. (Ord. No. 740, 7/18/00, 1)

Sec. 11-606. Throwing missile.

It is unlawful for any person to throw any stone or other missile upon or at any building, or upon or at any public property, or any person, or vehicle, or team or horse or other article of property whatsoever, within the limits of the Town. (Ord. No. 301, 4/5/33, 2)

Sec. 11-607. Jail visitation restrictions.

It is unlawful for any person, except the Sheriff and his deputies, the Chief of Police and his deputies, and such other persons as are by law empowered to do so, to at any time visit any jail or other place in the Town where prisoners are confined, or to remain or lounge about such jail or place, or to take from any person while confined in such jail or place any article or thing, or to give to such person any weapon, tool, intoxicating drink or other article or thing whatsoever. (Ord. No. 301, 4/5/33, 6)

Sec. 11-608. Assault and battery.

(a) A person shall not, if having the present ability to do so, unlawfully attempt to cause bodily injury to another. (Ord. No. 737, 7/18/00, 1)

(b) A person shall not unlawfully touch another in a rude or insolent or angry manner or intentionally or knowingly or recklessly cause bodily injury to another. (Ord. No. 737, 7/18/00, 2)

Sec. 11-609. Conspiracy.

It is unlawful for three or more persons to assemble together in the Town with an intent, or being already assembled to mutually agree, to do any unlawful act with force or violence against the property of the Town, or the person or property of another, or against the peace, or to the terror of others, or to make preparation or movement therefore, or to be present at such meeting or assembly without endeavoring to prevent the commission or perpetration of such unlawful act. (Ord. No. 302, 4/5/33,1)

Sec. 11-610. Indecent exposure; obscenity.

It is unlawful in the Town for any person to make any indecent exposure of his or her person in a public place, where there are other persons to be offended or annoyed thereby, or to use or utter obscene or licentious language in the presence or hearing of any female, or to use boisterous, profane or offensive language in a public place or upon any street in Town. (Ord. No. 302, 4/5/33, 3)

Sec. 11-611. Gambling.³⁰

It is unlawful to deal, play, carry on, open or cause to be opened, or to conduct either as owner or employee, whether for hire or not, any game of faro, Monte, roulette, lansquenet, twenty-one, keno, props, or any other game played with cards, dice, or other device of whatever nature for money, checks, credit or other representatives of value. (Ord. No. 4/5/33, 5)

Sec. 11-612. Bawdy house, house of ill fame, etc.

It is unlawful in this town to keep a bawdy house, house of ill fame or assignation, or to knowingly lease or permit any tenant to be used for any such purposes. (Ord. No. 302, 4/5/33, 6)

³⁰ As to authority of municipalities to suppress gambling, see Wyo. Stat. §15-1-103(a)(xvi)(A).

Sec. 11-613. Prostitution. ³¹

It is unlawful for any female to live in any house of ill fame, or to associate with women of lewd and bad character or chastity, either in public or at a house where men or women of bad character frequent or visit, or to commit fornication for hire. (Ord. No. 302, 4/5/33, 34)

Sec. 11-614. Obscene words, pictures, etc.

It is unlawful in the Town to write, draw, paint, stain, cut, carve, mark, scratch, brand, engrave or otherwise make any gross, indecent, or obscene picture, words, character or device whatsoever, so that the same shall be exposed to public view, upon any wall, fence, sidewalk, or other thing, on or along any street, highway, alley avenue, or within any public building, or upon any public grounds, or to stick, tack, post or put up in or on any of the said places, any paper, word, or other thing on which any such word, picture or device shall have been expressed or made. (Ord. No. 302, 4/5/33, 37)

Sec. 11-615. Property destruction and defacement.

A person shall not knowingly deface, injure, or destroy the property of another without the owner's consent. (Ord. No. 739, 7/18/00, 1)

Sec. 11-616. Imitating Town officer.

It is unlawful in the Town to falsely represent oneself to be an officer, or without being duly authorized by the Town, to exercise or attempt to exercise any of the duties, powers, or functions of a Town officer. (Ord. No. 302, 4/5/33, 19)

Sec. 11-617. Resisting officer; aiding prisoner.

It is unlawful in the Town to resist the Chief of Police or any officer of the Town, in the discharge of his duties as such officer, or in any way to interfere with, hinder, or prevent him from discharging his duties as an officer, or in any way to assist any person in custody of an officer to escape, or to rescue or attempt to rescue any person in custody. (Ord. No. 302, 4/5/33, 23)

Sec. 11-618. Resisting arrest; refusing to assist officer.

³¹ As to authority of municipalities to suppress prostitution, see Wyo. Stat. §15-1-103(a)(xvi)(B).

It is unlawful to resist with force or violence, or to counsel, encourage, aid, abet, or assist any person to resist by force or violence, any arrest attempted to be made by the Chief of Police or police officer in the Town, or when standing by, to refuse to assist such officer when requested to do so. (Ord. No. 302, 4/5/33, 24)

Sec. 11-619. Officers may enter licensed businesses.

It is unlawful for any owner or keeper, or any other person within any licensed place where beer or other drinks are kept or sold, or gambling house, room, or place, or any house of ill fame within the Town, to refuse to permit the marshal or any deputy of the Town to enter the same, and it shall be lawful for any such officer to enter the same or cause the same to be entered by force, and arrest such person. (Ord. No. 302, 4/5/33, 25)

Sec. 11-620. Intoxication.

(a) **Definitions:**

(i) "Incapacitated by alcohol or a controlled substance" means the condition of being unconscious or too weak or to disorientated to be able to care for one's own needs, or to recognize obvious dangers. (Ord. No. 823 12/21/2010, 1)

(ii) "Controlled substances" means those substances defined in Wyoming Statutes § 35-7-1001, et. Seq. and as amended from time to time, known as the Wyoming Controlled Substances Act of 1971. (Ord. No. 823 12/21/2010, 1)

(b) **Incapacitated Persons in Public Places.** No person incapacitated by alcohol or controlled substance shall be in any public street, alley, walk, mall, building, or other place owned or controlled by the Town. This section shall not prohibit any person from traveling, without a motor vehicle, over the most convenient route to the person's home or to a place to seek treatment for alcoholism or drug abuse, to seek medical treatment for any such condition, to seek mental health treatment or emotional health treatment. (Ord. No. 823 12/21/2010, 2)

(c) **Incapacitated Persons in Other Places.** No person incapacitated by alcohol or a controlled substance shall be in any place in the Town not owned or controlled by the Town, whether such place is open to the public or not except for the following:

- (i) In the person's home;
- (ii) In any place where the person is present to seek treatment for alcoholism, alcohol abuse or drug abuse, to seek medical treatment for any condition, to seek treatment for mental health or emotional health, or to seek spiritual health;

(iii) In any other place where the owner, person in possession or person in charge has given permission for the incapacitated person to stay.

(Ord. No. 823 12/21/2010, 3)

(d) **Penalty.** Any person, firm, or corporation violating any provision of this Code shall be fined not more than \$750.00 for each offense and/or imprisoned in the Joint Law Enforcement Center for not more than three (3) days [notwithstanding that the Town has abolished jail time in general for other criminal violations]. After arrest and incarceration, once an incapacitated person has reached a state of sobriety or is no longer under the influence of a controlled substance, said person may be released upon his or her signature and promise to appear. (Ord. No. 823 12/21/2010, 4)

Sec. 11-621. Vagrancy.³²

It is unlawful for any person who is able to work and support himself or herself to be found within the Town loitering or strolling about, frequenting public places or where liquor is sold, begging or leading an idle, immoral or profligate course of life, not having a visible means of support. (Ord. No. 302, 4/5/33, 42)

Sec. 11-622. Theft of Town property.

It is unlawful for any person to take and appropriate to his own use any of the property of the Town, or for any person to be found in possession of any of the property of the Town, without the express permission of the officer or officers whose duty it is to have custody or control of the same. (Ord. No. 302, 4/5/33, 39)

Sec. 11-623. Dead Animals.

Any person being the owner, or having in his possession or control any dead animal, in the Town, shall immediately remove the carcass of such dead animal beyond the limits of the Town and bury it so as to prevent it from becoming nauseous and unsanitary. (Ord. No. 302, 4/5/33, 47)

Sec. 11-624. Riding on sidewalks.

³² As to authority of municipalities to restrain and punish vagrants, see Wyo. Stat. §15-1-103(a)(xvii).

It is unlawful for any person in the Town to lead, ride, drive or place any beast or vehicle on any sidewalk or footway, otherwise than in going in or out of premises owned by him or to or from which he may rightfully travel. (Ord. No. 302, 4/5/33, 49)

Sec. 11-625. Riding bicycle on sidewalks, etc.

It is unlawful to ride any bicycle or other wheeled vehicle, except children's carriages, upon any sidewalk, crosswalk or footway within the limits of the Town. (Ord. No. 302, 4/5/33, 50)

Sec. 11-626. Removal, etc., of warning lights.

It is unlawful to take, remove, carry away, extinguish or in any way interfere with lights or guards placed at ditches, excavations or other openings in any street or alley of the Town, which have been placed there as a warning to the public. (Ord. No. 302, 4/5/33, 53)

Sec. 11-627. Annoying amplification of the human voice.

It shall be unlawful for any person, co-partnership, association, firm or corporation knowingly or wantonly to use or operate, or cause to be used or operated, any mechanical device, machine, apparatus or instrument for intensification or amplification of the human voice or any sound or noise in any public or private place in such manner that the peace and good order of the neighborhood is disturbed or that persons owning, using, or occupying property in the neighborhood are disturbed or annoyed. (Ord. No. 286-A, 2/6/30, 1, 2)

Sec. 11-628. Marijuana -- Definitions.

(a) Marijuana -- All parts of the plant cannabis sativa L, whether growing or not, the seed thereof, the resin extraction from any part of the plant, and every compound, manufacture, salt, derivative, mixture, preparation of the plant, its seed or resin.

(b) Person -- Includes an individual, partnership, corporation or association or any other legal entity. (Ord. No. 513, 4/6/73, 1)

Sec. 11-629. Same -- Possession or use unlawful.

It is unlawful for any person knowingly or intentionally to possess or use the substance herein defined as marijuana unless the substance was obtained directly from, or pursuant to a valid prescription or order of a medical practitioner while acting in the course of his professional practice. (Ord. No. 513, 4/6/73, 2)

Sec. 11-630. Abandoned refrigerators.

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling, or other structure under his control, in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator or other container which has an airtight door or lid, snaplock, or other locking device, which may not be released from the inside, without first removing the door, lid, snaplock, other locking device from such ice box, refrigerator or container. (Ord. No. 630, 9/3/85, 1)

Sec. 11-631. Call of nature.

It shall be unlawful for any individual to urinate or defecate in a public area which is not designated for such activity.

Sec. 11-632. Same -- Penalty.

Any person violating this section shall be punished as provided in Ordinance Number 590, codified in Section 6-104 of the Thermopolis Town Code, or later amendments. (Ord. No. 648, 5/12/92)

Sec. 11-633. Financial responsibility.

(a) It is unlawful for any owner of a motor vehicle required to be licensed to operate or permit the operation of the vehicle without having in full force and effect an automobile liability policy as provided by law.

(b) Any person knowingly and willfully violating this section is guilty of a misdemeanor punishable by a fine of not more than \$750.00 plus court costs. (Ord. No. 800, 5/20/07)

(c) The automobile liability policy shall conform to that provided by Wyoming Statute 31-9-102(a)(xi). (Ord. No. 842 07/5/2016, 1)

(d) This Article does not apply to self-insurers as defined under Wyoming Statute § 31-9-414, being those persons who have in their name twenty-five (25) vehicles or more that are registered and have obtained certificates of self insurance issued by the Superintendent of the Wyoming Highway Department. (Ord. No. 659, 1/3/89, 1,2,3,4)

Sec. 11-634. Proof of vehicle registration, alteration, penalty.

(a) It is unlawful for any person to knowingly operate or an owner to knowingly permit to be operated, within the corporation boundaries of the Town of Thermopolis, any motor vehicle unless:

(i) A valid Certificate of Title or non-transferable certificate issued under Wyoming Statute § 31-2-102(a)(iii), Certificate of Registration and license plates or temporary permits have been issued for the motor vehicle except as otherwise provided by Wyoming Statute § 31-1-101, et. seq.

(ii) A valid license plate or permit issued for the motor vehicle is displayed on the motor vehicle as provided by Wyoming Statute §§ 31-1-104 through 31-4-104.

(b) It is unlawful for any person to knowingly operate, or an owner to knowingly permit to be operated within the corporate boundaries of the Town of Thermopolis any motor vehicle with license plates, validation stickers or license permits altered, mutilated or obscured so as to prevent the license plate number from being easily read.

(c) It shall be unlawful for any person to alter or mutilate any valid license plate, sticker or permit.

(d) Any person convicted of violating this section is guilty of a misdemeanor punishable by a fine of not more than \$750.00 plus court costs. (Ord. No. 660, 1/3/89, 1,2,3,4), (Ord. No. 800, 5/20/07)

Sec. 11-635. Altered or revoked driver's license.

It is unlawful for any person:

(a) To display or permit to be displayed, or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered driver's license;

(b) To lend his driver's license to any other person or knowingly permit the use thereof by another; or

(c) To display or represent as one's own any driver's license not lawfully issued to him; or

(d) To permit any unlawful use of a driver's license issued to him. (Ord. No. 661, 1/3/89, 1)

Sec. 11-636. Driving under suspension.

No person shall drive a motor vehicle on any street or highway in the Town of Thermopolis at a time when his driver's license, from this or any other jurisdiction, or non-resident operating privileges are canceled, suspended or revoked. (Ord. No. 744, 8/1/00, 1)

Sec. 11-637. Penalty.

Any person convicted of violating Code Sections 11-635 and/or 11-636 is guilty of a misdemeanor punishable by a fine of not more than \$750.00 plus court costs. (Ord. No. 661, 1/3/89, 3)(Ord. No. 744, 8/1/00, 1), (Ord. No. 800, 5/20/07)

Sec 11-638 Violating Park Hours

(a) By resolution, the Town may establish opening and closing times for each Municipal Park, which times may vary within each park. (Ord. No. 843 08/16/2016, 1)

(b) Opening and closing times as determined by the governing body shall be posted at all usual or normal entrances to each park. (Ord. No. 843 08/16/2016, 2)

(c) The Director of Public Works is hereby authorized to purchase an appropriate number of signs and install those signs, working with the Chief of Police and Town Administration, to determine an appropriate location for the signs. The signs may provide times to open and close; or the hours when closed. (Ord. 843 08/16/2016, 3)

(d) It shall be unlawful for individuals to be in a park before the opening hour or after the closing hour and upon conviction thereof shall be deemed guilty of a misdemeanor and shall be fined up to the sum of \$750.00, together with court costs and court automation fee. (Ord. No. 843 08/16/2016, 4).

ARTICLE VII. TRESPASS.

Sec. 11-701. Definitions.

As used in this Article, the following terms shall have the following meanings, unless the context clearly indicates a different meaning:

(a) Business parking lot -- Any privately owned or leased parking lot providing parking for the convenience of employees and customers or patrons of any store, office building commercial building or industrial building.

(b) Private property -- Land and/or buildings and improvements privately owned, whether occupied or not, and including vacant lots or tracts.

(c) Public property -- Land and/or buildings/structures owned by the Town, County, State or Federal government.

(d) Person -- Any person, firm, corporation or association.
(Ord. No. 678, 8/31/90, 1)

Sec. 11-702. Trespass.

It shall be unlawful for any person, to commit a trespass within this municipality upon either public or private property or business parking lot. (Ord. No. 678, 8/31, 90, 2)

Sec. 11-703. Specifically enumerated trespasses.

Without constituting any limitation upon the provisions of Code Section 11-702, any of the following acts by any person, shall be deemed included among those that constitute trespasses in violation of the provisions of said Code Section 11-702, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or punish any violation or violations of this Article. The aforesaid enumerated acts shall include:

(a) An entry upon the premises, or any part thereof, of another, including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning or protest given orally or in writing, by any owner or occupant thereof; or

(b) The pursuit of a course of conduct or action incidental to the making of an entry upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning or protest given orally or in writing by any owner or occupant thereof; or

(c) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing by any owner or occupant thereof; or

(d) An entry into or upon any vehicle made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle after being requested to leave by the person having such right. (Ord. No. 678, 8/31/90, 3)

Sec. 11-704. Trespassing in violation of notice.

No person shall enter or stay on any business parking lot, private or public property at any time that staying or entering the lot is prohibited by the owner, as shown by a sign at the parking lot. No person shall place or leave any vehicle on any business parking lot, public or private at any such time.

Sec. 11-705. Signs.

The prohibition set out in Code Section 11-704 of this Article shall be in effect at any business parking lot where the owner or person lawfully in charge has posted a sign or signs clearly stating the prohibition. Signs must be placed so that they can be seen either at all entrances to the lot or at prominent locations. Each sign must contain language which notifies the public of who may use the property (i.e. customers only), the hours of use, violators will be towed and the like. (Ord. No. 678, 8/31/90, 5)

Sec. 11-706. Exceptions.

The following uses of a parking lot shall not be violations of this ordinance:

- (a) Entrance by a police officer or officers in the course of duty.
- (b) Entrance by fire, ambulance, and other emergency personnel and equipment, in the course of duty.
- (c) Entrance by an owner, tenant, or employee of any owner or tenant of any establishment served by the parking lot.
- (d) Entrance by any town official or employee in the course of duty. (Ord. No. 678, 8/31/90, 6)

Sec. 11-707. Towing away illegally parked cars.

The police department is hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any car or other vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, blocks an alley, blocks access to property, or obstructs or may obstruct the movement of any emergency vehicle, or is illegally parked on public or private property or business parking lot. (Ord. No. 678, 8/31/90, 7)

Sec. 11-708. Towing costs and storage fees.

When a vehicle removed from either public or private property is authorized by order of the police department of the Town, the owner of the vehicle will be responsible for all towing costs and storage fees. Towing costs and storage fees may be set from time to time by Resolution of the Mayor and Council. The commercial towing service may retain possession of the towed vehicle until paid by the owner for said costs and fees. If the towing service releases the vehicle to the owner without payment, it may assess and have a lien against the vehicle in the form and as provided by Wyoming mechanics lien statutes. (Ord. No. 678, 8/31/90, 8)

Sec. 11-709. Retrieval of towed vehicle.

It shall be unlawful for any person to retrieve a towed vehicle without payment to or arrangement for payment to the towing service. (Ord. No. 678, 8/31/90, 9)

Sec. 11-710. Records.

When a motor vehicle is authorized to be towed away, the police department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacturer, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number, and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing and the name of the officer authorizing the tow. (Ord. No. 678, 8/31/90, 10)

Sec. 11-711. Immunity from damages.

Any police officer, towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, or any other person legally entitled to the possession of a motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Article. (Ord. No. 678, 8/31/90, 11)

Sec. 11-712. Severance clause.

If any section, paragraph, clause or provision of this Article shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Article. (Ord. No. 678, 8/31/90, 12)

Sec. 11-713. Penalties.

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be fined not more than \$750.00 plus court costs. (Ord. No. 678, 8/31/90, 13), (Ord No. 800, 5/20/07)

ARTICLE VIII. NUISANCES.

Sec. 11-801. Nuisances.

(a) Purpose; Nuisances are found to create conditions tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for insects, rodents, skunks and other vermin and to be injurious to the health, safety and general welfare of the public.

(b) For the purposes of this Article, the term "nuisance" is defined as the doing of or failure to do something that injuriously affects the safety, health or morals of the public or works some substantial annoyance, inconvenience or injury to the public or such part of the public as necessarily comes in contact with it in the exercise of a public or common right. A "nuisance" is the maintenance by any person of any condition or use of real property in such manner as to unreasonably interfere with the use and enjoyment of the property of another, or which is detrimental to the health, safety and welfare of the inhabitants of the Town or is detrimental to the property of others, or which causes or tends to degrade or cause substantial diminution in the value of other property in the neighborhood in which such nuisance is maintained.

(c) The unlawful doing of any act or the omission to perform a duty, which annoys, injures or endangers the public health, safety, welfare or quiet enjoyment of property of the citizens of the Town or which unlawfully interferes with or tends to obstruct, or in any way render unsafe and insecure, other persons in life or in the use of their property, is hereby declared a "nuisance." The term "nuisance," as used herein, shall be deemed to include, but is not limited to, the following:

(i) The keeping of inflammable or combustible material of every nature whatsoever in such a manner as to endanger by fire any property or structure within the Town, unless guarded and protected, so far as practicable, to prevent fires from originating therein or from spreading when started near such materials.

(ii) The keeping of quantities of straw, hay, paper and paper products, dry grass cuttings, wood and wood products and the storing of oily rags and waste in such a manner as to endanger by fire any property or structure within the Town, unless guarded and protected, so far as practicable, to prevent fires from originating therein or from spreading when started near such materials.

(iii) The accumulation upon any property or within any structure within the Town of junk, rubbish, trash, waste, discarded material or salvage in such a manner as to harbor rats, rodents, mice, pack rats, wild rabbits, vermin, skunks, cats or animals which may transmit or cause to be transmitted diseases to human beings including rabies, tularemia, plague, tic fever to other diseases, or in such a manner as to provide a breeding place for flies, mosquitoes, earwigs or other harmful insects; or in such manner as to constitute a fire hazard or other hazard to the health, safety and welfare of the inhabitants of the Town.

(iv) The keeping of abandoned, discarded or unused objects or equipment, such as furniture, stoves, refrigerators, freezers, cans or containers and the like.

(v) The discharge of any foul or nauseous liquid or liquor or substance of like kind discharged into or upon any public or private property within the Town.

(vi) The keeping or discharge of any stale or putrid fat, grease, garbage, meat, excrement or other foul or objectionable matter of any kind.

(vii) The storage or keeping of old, unused, stripped, junked and other machinery, implements, equipment, appliances and personal property of any kind which is no longer used or safely usable for the purpose for which it was manufactured, which hereinafter are collectively described as "personality" for a period of thirty days or more, except in licensed junk yards or in an enclosed building.

(viii) The keeping of (2) or more partially dismantled, wrecked, junked, discarded or otherwise non-operational motor vehicles longer than thirty days, except in an enclosed building. This subsection shall not apply with regard to any non-operational vehicle on the premises of a business enterprise when the keeping or the maintenance of such vehicle is necessary to the operation of the primary purpose of such business enterprise and when the business enterprise is not located within any Town residential district. This subsection shall not apply with regard to a vehicle in a designated storage place or depository maintained in a lawful place and manner by the Town or any other public agency or public entity.

(ix) The keeping or maintaining of premises in a manner causing substantial diminution in the value of property of others in the vicinity in which such premises are located. (Ord. No. Ord. No. 803, 9/1/07)

(d) This Article shall apply to owners and/or occupants of all lots or tracts of land in the Town and shall include that area of land lying between the curb and gutter of streets and the property line of the owner. (Ord. No. 787, 11/1/05)

(e) The penalty for violation of this ordinance shall be as set forth in Town Codes Section 6-104 and shall constitute a misdemeanor. (Ord. No. Ord. No. 803, 9/1/07)

Sec. 11-802. Weeds-declared a nuisance.

The term "weed" shall be deemed to include any plant growth over eight inches in height (1) which is not compatible in an area of commercial or residential development or (2) which endangers property or (3) which would burn readily if fired. The common tests of whether a plant is noxious or not and of whether the plant is desired in its location by the owner or occupant of the property shall not be considered.

Any weeds found growing in any lot or tract of land in the Town are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain in any such place. (Ord. No. 676, 7/17/90, 1)

Sec. 11-803. Open Pits-declared a nuisance.

(a) Any open or uncovered cellar, cellar door, basement, pit, cistern, well, hole, shaft or vault of any kind in or on any lot or tract in the Town is hereby declared to be a nuisance, and it shall be unlawful for the owner or occupant of said lot or tract to permit said nuisance to continue. (Ord. No. 676, 7/17/90, 2)

(b) Any covered cellar, cellar door, basement, pit, cistern well, hole, shaft or vault of any kind in or on any lot or tract in the Town, which cover is not secured in such a manner as to prevent access by unauthorized person, shall be declared to be a nuisance, and it shall be unlawful for the owner or occupant of said lot or tract to permit said nuisance to continue. (Ord. No. 677, 8/7/90, 1)

Sec. 11-804. Abandoned Cars, Junk-declared a nuisance.

The accumulation or storage of abandoned, wrecked, dismantled, unlicensed, or inoperative motor vehicles or junk on private or public property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health, safety and general welfare of minors and other persons, to create a harborage for insects, rodents, skunks and other vermin and to be injurious to the health, safety and general welfare of the public. Therefore, the presence of two or more abandoned, wrecked, dismantled, or inoperative vehicles, or more than one unlicensed but operable vehicles, or junk, on private or public property, except as expressly permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Article. All nuisances in existence prior to the effective date of this Article shall be subject to the provisions of this Article. (Ord. No. 682, 5/30/91, 1)

Sec. 11-805. Definitions; Presumption; Exceptions.

(a) Definitions. For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(i) "Junk" means any iron or other scrap metal, glass, scrap lumber and wood, rubber debris and tires, machinery parts, furniture, appliances, garbage, rubbish, trash, litter, boxes, paper, cloth, rags, decaying animal or vegetable matter, nauseous substances, dead plants, yard clippings or grass pileings, leaves, separated tree limbs or tree trimmings, or other materials which have no reasonable aesthetic value or other reasonable purpose. Junk which is not clearly visible from a public way may nonetheless constitute a public nuisance when such is likely to have an adverse affect upon the public health, comfort, and safety. Junk shall also include any house or other building which is neglected and unsightly or which contains refuse or other offensive matter which causes the house or building to become unsanitary, a fire menace, or otherwise unsafe. (Ord. No. 743, 8/1/00, 1)

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

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

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

(b) Presumption. For the purpose of this Article, a vehicle shall be presumed to be a nuisance under one of the following circumstances for more than thirty (30) consecutive days:

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

(ii) When any of the main wheels of the vehicle have been removed, other than for repair.

(iii) When such vehicle is totally or partially suspended above the ground by jacks, blocks or any other lifting devices, other than for repair.

(iv) When current license plates or valid temporary permits are not displayed on such vehicles, if there is more than one vehicle.

(v) When any part of the mechanism of the vehicle has been removed or does not work so as to render the vehicle inoperable, other than for repair.

(c) Exceptions.

This section and the provisions contained in this Code concerning storage of abandoned, wrecked, or disabled vehicles, and junk, shall not apply to:

(i) antique or historic motor vehicles as defined in Wyoming Statutes Section 31-1-101, provided same are licensed pursuant to Wyoming Statutes Section 31-3-102;

(ii) vehicles kept in an enclosed garage or storage building provided same are not visible from any other land or public way;

(iii) vehicles used for educational or instructional purposes at any public school;

(iv) vehicles or junk in the custody of the Town being stored pending disposal;

(v) vehicles stored for resale on a dealership lot or tract;

(vi) vehicles in the custody for not more than thirty (30) days of a towing service, paint and body shop or mechanic shop pending repair or disposal. (Ord. No. 682, 5/30/91, 2)

Sec. 11-806. Prohibitions.

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

(b) It shall be unlawful and shall constitute a misdemeanor for any person, after having received notice as provided in this Article to remove any vehicle or junk from private property to any other private property, upon which storage is not permitted, or onto any public property, for the purposes of storage. (Ord. No. 682, 5/31/91, 3)

Sec. 11-807. Notice for Abatement/Removal.

It shall be the duty of the Mayor or his designated representative to serve or cause to be served a notice upon the owner or occupant of any premises on which a nuisance exists in violation of the provisions of this Article, and to demand the abatement of the nuisance within ten days. (Ord. No. 676, 7/17/90, 3)

Sec. 11-808. Notice is to Contain.

(a) The Mayor or representative shall attempt to give written notice to the owner of the vehicle, junk or other condition constituting a nuisance, if his or her address is known, to the owner of the land where the vehicle junk or other condition constituting a nuisance is located, and to any other person or entity known by the Mayor or his representative to have a security interest in the vehicle, junk or other condition constituting a nuisance. Said notice shall be attempted by registered mail or personal service, if the address of the individual or entity is known. In the case of vehicles, where practical, the notice shall also be affixed to the windshield or some other part of the vehicle where it can be easily seen. Where affixing the notice to a vehicle is impractical, and in the case of junk, the notice shall be posted at the site or on the premises where the nuisance exists.

(b) Such notice shall include substantially the following information:

(i) A statement that a certain vehicle, junk or other offending condition is deemed to be a nuisance within the provisions of Town Code. In the case of vehicle, the notice should include make, year, and vehicle identification number if reasonably possible.

(ii) A description of the real property, by street address or otherwise, on which the nuisance exists.

(iii) A statement that such nuisance must be abated within ten (10) days from the date on the notice.

(iv) A statement that if the nuisance is not abated within the time provided, the Town may abate the nuisance, and that the cost of abatement may be charged to the owner(s) of the nuisance, or assessed against the land upon which the nuisance exists, or both.

(v) A statement that a hearing upon the allegation of a public nuisance and the assessment of costs may be requested by giving written notice to the Town Clerk within ten (10) days from the date on the notice, and that a request must specify the property concerning which the request is made, the requesting party's

name and address, and the nature of the interest held by the requesting party. That upon request a hearing will be scheduled to determine if a public nuisance exists and as to the assessment of administrative costs and the costs of abatement. That if a hearing is not so requested the right to a hearing shall be waived.

(vi) A statement that failure to abate the nuisance may result in a Town abatement action and/or criminal charge.

(c) In the event that notice, as provided in Subsection (a) of this Section, cannot be given to each individual known by the Mayor or his representative to have an interest in the vehicle, junk or other condition constituting a nuisance, service shall be made by publication. Such notice by publication shall be made by one (1) publication in a newspaper of general circulation in Hot Springs County. The Notice of Publication shall contain the same information required in the notice described in Subsection (a) of this Section. Notice by publication may contain multiple listings of public nuisances.

(d) Proof of notice shall be made by the certification of any officer or employee of the Town, or Affidavit of any person over eighteen (18) years of age, naming the person to whom notice was given and specifying the time, place, and manner thereof. Proof of notice shall be made in each case and maintained for a period of two (2) years from the date of abatement of the nuisance for which notice has been given. (Ord. No. 682, 5/30/91, 4)

Sec. 11-809. Request for hearing; hearing order; right to appeal; waiver of right to hearing.

(a) A request for a hearing upon the allegation of a public nuisance and the assessment of costs shall be made in writing and delivered to the Town Clerk within ten (10) days from the date of the notice to abate. Such request shall specify the property concerning which the request is made, the requesting party's name and address, and nature of the interest held by the requesting party in the vehicle, junk or other condition constituting a nuisance.

(b) In the event of a public nuisance as defined herein, of which notice has been given, and which remains unabated for more than ten (10) days, the Mayor or his representative is granted the authority to abate, remove or cause the removal of the vehicle, junk or other condition constituting a nuisance. Provided, however, that if a proper request for hearing is filed, abatement shall only proceed upon resolution or order of the Town Council or hearing examiner.

(c) In the event a request for hearing is filed as provided, a hearing shall be held before the Town Council or such other individual or group as designated by the Town Council to act as hearing examiner. The purpose of the hearing shall be to confirm or deny

the existence of a public nuisance and for taking such further action as is authorized under this Article. Notice of the time, place and hour of the hearing shall be sent at least twenty (20) days in advance of the hearing to all known parties.

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

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

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

(g) In the event a request for hearing, as provided, is not filed, the right to a hearing shall be considered to have been waived. (Ord. No. 682, 5/30/91, 5)

Sec. 11-810. Voluntary surrender of abandoned, wrecked, dismantled or inoperative vehicles, or junk.

The owner of any vehicle, junk or other nuisance may voluntarily consent to the removal of such property by the Town. In order to give such consent, all owners of the property shall execute an affidavit in a form acceptable to the Town Attorney, stating that there are no other owners of the property, or lien holders having a security interest in the property; that the owners will reimburse the Town for the actual costs of removal or such other costs as are established by the Town Council for such removal; and that such reimbursement will be made to the Town within thirty (30) days of removal. Such affidavit, shall constitute a statement by the owners signing such affidavit that they will

indemnify the Town for any loss or expense alleged by any other party as a result of removal or disposal. The execution of such affidavit shall also release the Town from any obligation to account or pay over to the owners any amount the Town receives for the property. (Ord. No. 682, 5/30/91, 6)

Sec. 11-811. Search Warrant.

(a) The Mayor or his representative may make application to the Thermopolis Municipal Court for authority to enter upon land to examine vehicles or junk for the purpose of making a determination as to whether a public nuisance exists and/or securing information as to the ownership of a vehicle, junk or other condition thought to constitute a public nuisance and/or securing information as to the identity of the person or persons in control of the land where the vehicle or junk is situated.

(b) The Municipal court of the Town of Thermopolis has authority to issue search warrants and other process necessary to enforce this Article.

(c) A warrant shall issue only upon affidavit sworn to before a Municipal Judge which establishes the grounds for issuing the warrant. If the Judge is satisfied that the grounds for the application exists or that there is probable cause to believe that they exist, he shall issue a warrant identifying the purpose of the search, and naming or describing the place to be searched. The warrant shall be directed to the Mayor, his representative, or to any officer authorized to enforce or assist in enforcing the laws of the State or of the Town. The warrant shall state the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof. The warrant shall command that the search take place forthwith. The warrant shall direct that it be served in the daytime, but for good cause shown, the warrant may direct that it be served at any time. (Ord. No. 682, 5/30/91, 7)

Sec. 11-812. Disposal; costs.

(a) Any vehicle, junk or other condition constituting a nuisance which is impounded or removed and taken into custody, as provided in this Article, may be disposed of according to the provisions of Wyoming Statutes Section 7-2-105.

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

(c) The Town council shall, from time to time, determine and fix an amount by Resolution to be assessed as administrative costs in relation to the enforcement of this Article. This cost of administration including a reasonable sum for attorney fees, may be set as a fixed sum per removal, or as a percentage of the actual cost of removal. In addition, the actual costs of removal and storage shall be charged against the owner of any vehicle, junk or other condition constituting a public nuisance and/or against the land or owner of the land where same was instituted.

(d) After the nuisance has been abated, the Mayor or his representative shall file a statement of costs with the Town Clerk. Such statement of costs shall include the costs of the abatement plus the administrative fee. The Town Clerk shall notify the owner of the property involved by certified mail, return receipt requested, of the nuisance abatement and the total costs being assessed. The Town Clerk shall further notify the owner of the property concerned that unless payment of the costs is made within thirty (30) days after sending notification of the costs, a statement of lien against the real property from which the nuisance was removed shall be filed with the County Clerk and Ex Officio Registrar of Deeds for Hot Springs County, Wyoming. Unpaid charges shall bear interest at the rate of 10% per annum.

(e) If an owner of real property to which a statement of costs has been sent fails to pay the costs of abatement within thirty (30) days after notification, the Town Clerk shall file a statement of lien claim with the County Clerk and Ex Officio Registrar of Deeds for Hot Springs County. This statement shall contain the legal description of the property involved, the amount of the unpaid bill and a notice that the Town claims a lien for this amount as well as for all charges for abating such nuisance subsequent to the period covered by the bill. The failure of the Town Clerk to record such lien claim or to mail such notice, or the failure of the owner to receive such notice, shall not affect the right to foreclose such lien, or to collect the costs in a civil action. The unpaid charges shall bear interest at the rate of 10% per annum. Notice of such lien claim shall be mailed to the owner of the premises if his address is known.

(f) Property subject to a lien for unpaid charge for abatement of a nuisance under the provisions of this Article shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deduction of all costs incurred in and about the foreclosure of such lien. (Ord. No. 676, 7/17/90, 5) (Ord. No. 682, 5/30/91, 8)

Sec. 11-813. Criminal penalty.

In addition to the abatement procedure above provided, any person, firm or corporation permitting the continuance of the nuisance (1) ten days after notice, if no hearing has been requested; or (2) ten days after an order has been issued to abate the nuisance if a hearing has been held, shall be deemed guilty of a misdemeanor, and upon

conviction thereof shall be fined not more than \$750.00. (Ord. No. 682, 5/30/91, 9) (Ord. No. 800, 5/10/07) (Ord. No. 676, 7/17/90, 8)(Ord. No. 787, 11/1/05)

Sec. 11-814. Private action.

Nothing herein contained shall be deemed to prohibit the maintenance of a private civil action by a citizen or citizens to abate one or more nuisances, pursuant to this Article or other law. (Ord. No. 682, 5/30/91, 10)

Sec. 11-815. Severance clause.

If any section, paragraph, clause or provision of this Article shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Article. (Ord. No. 682, 5/30/91, 11)

Sec. 11-816. Foreclosure of lien.

Property subject to a lien for nuisance abatement shall be sold for nonpayment of the same and the proceeds of such sale shall be applied to pay the charges after deducting costs, as is the case in the foreclosure of statutory liens. Such foreclosure shall be in the same manner as provided for foreclosure of mechanics liens by the Statutes of the State of Wyoming. (Ord. No. 676, 7/17/90, 6)

If the Town elects to foreclose the lien, then the Town shall proceed to foreclose the lien according to the Wyoming statutory foreclosure proceedings in conjunction with this section. The attorney fees, foreclosure costs and interest shall be paid first and have superior priority against the foreclosure proceeds after which the proceeds shall go towards satisfying the abatement charges. If the Town does not pursue or initiate foreclosure proceedings to foreclose a valid lien for any reason at all or for no reason, then a lien that is properly claimed and mailed as per Town Code Sec. 11-812 shall remain a valid lien in perpetuity until released. (Ord. No. 803, 9/1/07,2)

Sec. 11-817 Other remedy.

In lieu of foreclosure the Town may terminate water service to the premises, or refuse to re-establish water service, or refuse to allow hook up for water service, until such time as the nuisance abatement charges have been paid. Further, if circumstances so warrant, the Town may apply to a court of competent jurisdiction for injunctive relief and recovery of abatement charges, interest and legal fees. (Ord. No. 676, 7/17/90, 7)

Sec. 11-818 Application of Article.

This Article shall apply to owners and/or occupants of all lots or tracts of land in the Town and shall include that area of land lying between the curb and gutter of streets and the property line of the owner. (Ord. 787, 11/1/05)

ARTICLE IX. CURFEW.

Sec. 11-901. Curfew Described.

It is unlawful for any person of the age of fifteen (15) years or under, whether in or on a motor vehicle or not, to be upon the public streets, alleys or thoroughfares or in the Town parks or other public places or businesses of the Town between the hours of 11:00 p.m., and 6:00 a.m., except for Friday and Saturday nights, when the prohibited hours shall be from 12:00 Midnight to 6:00 a.m., unless one or more of the following conditions prevails:

(a) The person is accompanied by a parent or guardian or another adult having the person's care and custody;

(b) The person is in the performance of employment or on an errand or a duty authorized or imposed by his or her parent or guardian; or

(c) The person is traveling directly to his or her place of residence immediately after having attended a theater, dance, or similar public function, and attendance at which was approved by his or her parent or guardian. (Ord. No. 680, 11/15/90, 1)

Sec. 11-902. Adult Responsibilities.

It is unlawful for any parent, guardian, or other person having custody of any minor child of the age of fifteen (15) years or under to knowingly or through lack of diligence permit a child of the age of fifteen (15) or under to be in violation of the provisions of Section 11-901 of this Article. (Ord. No. 680, 11/15/90, 2)

Sec. 11-903. Police Responsibilities

Upon finding a minor child of the age of 15 years or under upon any of the public streets, highways, alleys, parks or other public places in the Town in violation of any of the provisions of this Article, the police shall take the name of such minor and the name and address of the parents, guardian or other person having the legal care and custody of such minor and shall cause the minor to be taken to his or her home, and shall make a report within twenty-four (24) hours. The Town shall send to the parent, guardian or custodian of such minor, a written notice of the violation of this Article, which shall inform such parent, guardian or legal custodian that unless the terms of this Article are complied with,

a penalty will be invoked against such parent, guardian or legal custodian. (Ord. No. 680, 11/15/90, 3)

Sec. 11-904. Penalty.

Any person violating this Article is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$750.00 plus court costs. (Ord. No. 680, 11/15/90, 4)

**ARTICLE X. ABANDONED CARS, JUNK - NUISANCES.
INCORPORATED INTO ARTICLE VII - NUISANCES**

ARTICLE XI. TOBACCO OFFENSES.

Section 11-1101. Definitions.

(a) "Tobacco Products" means any substance containing tobacco leaf, including, but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, and electronic cigarettes.

(b) "Vending Machines" means any mechanical, electrical, or electronic self-service device which, upon insertion of money, tokens, or any other form of payments dispenses tobacco products.

Section 11-1102. Prohibited Sales or Delivery.

(a) No person shall sell, offer for sale, give away, or deliver tobacco products to any person under the age of twenty-one (21) years.

(b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00), and not more than Seven Hundred Fifty Dollars (\$750.00), in addition to mandatory Court costs.

(c) It is affirmative defense to a prosecution under subsection (a) of this section that:

(i) In the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being of or over twenty-one (21) years of age, or

Section 11-1103. Posted Notice Required; Location of Vending Machines

(a) Any person who sells tobacco products shall post a sign informing the public of the age restriction provided by this Ordinance at or near every display of tobacco production and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to a person under the age of twenty-one (21) years is prohibited by law.

(b) No person shall sell or offer tobacco products through a vending machine unless the vending machine is located in:

(i) Business, factories, offices or other places not open to the general public;

(ii) Places to which persons under the age of twenty-one (21) years are not permitted access; or,

(iii) Business premises where alcohol or malt beverages are sold or dispensed and where entry by persons under the age of twenty-one (21) years is prohibited.

(c) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable by a fine of not less than Two Hundred Fifty Dollars (\$250.00), in addition to mandatory Court costs. Subsequent violations of subsections (a) or (b) of this section by the Defendant will be punishable by a fine equal to that of the previous violations plus Two Hundred Fifty Dollars (\$250.00). In no event shall the fine under this subsection be greater than Seven Hundred Fifty Dollars (\$750.00). Each day of a continued violation shall be deemed as a separate offense.

Section 11-1104. Purchase by Minors Prohibited

(a) No person under the age of twenty-one (21) years shall purchase tobacco products, nor shall such person misrepresent his/her identity or age, or use any false or altered identification for the purpose of purchasing tobacco products.

(b) Any person violating this section is guilty of a misdemeanor punishable by a fine of Twenty-Five Dollars (\$25.00), in addition to mandatory Court costs. Under a conviction for violation of subsection (a) of this section, the Court may allow the Defendant to perform community service and be granted credit against his fine and the Court costs at the rate of Ten Dollars (\$10.00) for each hour of work performed. Any conviction under this section shall be expunged after six (6) months if the fine has been paid or community service performed.

Section 11-1105. Possession or Use by Minors Prohibited

(a) It is unlawful for any person under the age of twenty-one (21) years to possess or use any tobacco products.

(b) Any person violating this section is guilty of a misdemeanor punishable by a fine of Twenty-Five Dollars (\$25.00), in addition to mandatory Court costs. Upon conviction for violation of subsection (a) of this section, the Court may allow the Defendant to perform community service, or attend a tobacco or nicotine cessation program, and be granted credit against his fine and the Court costs at the rate of Ten Dollars (\$10.00) for each hour of work performed or program attended. Any conviction under this section, upon payment of fine or community service performed, or program attended, shall be expunged six (6) months after conviction.

ARTICLE XII. ADULT SEXUALLY ORIENTED BUSINESSES.

Section 11-1201. Definitions.

(a) “ADULT ARCADE” means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically or mechanically controlled, still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

(b) “ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE” means a commercial establishment which devotes a significant or substantial portion of its stock-in-trade or interior floor space to; or devotes a significant or substantial portion of its advertising expenditures to the promotion of the sale, rental or viewing, for any form of consideration any one or more of the following:

(i) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; or

(ii) Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as ADULT

BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as the provisions of Subsection (b) are otherwise met.

(c) “ADULT CABARET” means a nightclub, bar, restaurant or similar commercial establishment which regularly features:

- (i) Persons who appear in a state of nudity or semi-nude; or
- (ii) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- (iii) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

(d) “ADULT MOTEL” means a hotel, motel or similar commercial establishment which:

- (i) Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- (ii) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

(e) “ADULT MOTION PICTURE THEATER” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown, which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas.”

(f) “ADULT THEATER” means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

(g) “EMPLOYEE” means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and

whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

(h) “ESCORT” means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(i) “ESCORT AGENCY” means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

(j) “ESTABLISHMENT” means and includes any of the following:

(i) The opening or commencement of any sexually oriented business as a new business; or

(ii) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(iii) The addition of any sexually oriented business to any other existing sexually oriented business; or

(iv) The relocation of any sexually oriented business.

(k) “MASSAGE PARLORS” means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations or any other treatment manipulation of the human body, which occurs as a part of or in connection with “specified sexual activities”, or where any person provides such treatment, manipulation or service related thereto, exposes their “specified anatomical areas.”

(l) “NUDE MODEL STUDIO” means any place where a person who appears semi-nude, in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration: Nude Model Studio shall not include a proprietary school licensed by the State of Wyoming or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation or in a structure:

(i) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and

(ii) Where in order to participate in a class, a student must enroll at least three days in advance of the class; and

(iii) Where no more than one nude or semi-nude model is on the premises at any one time.

(m) “NUDITY” or a “STATE OF NUDITY” means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernable turgid state.

(n) “PERSON” means an individual, proprietorship, partnership, corporation, limited liability company, association or other legal entity.

(o) “SEMI-NUDE” or in a “SEMI-NUDE CONDITION” means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(p) “SEXUAL ENCOUNTER CENTER” means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(i) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(ii) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

(q) “SEXUALLY ORIENTED BUSINESS” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

(r) “SPECIFIED ANATOMICAL AREAS” means:

(i) The human male genitals in a discernable turgid state, even if completely and opaquely covered; or

(ii) Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(s) "SPECIFIED SEXUAL ACTIVITIES" means any of the following:

(i) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(ii) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or

(iii) Excretory functions as part of or in connection with any of the activities set forth in (i) through (ii) above.

Section 11-1202. Classification.

Sexually oriented businesses are classified as follows:

- (a) adult arcades;
- (b) adult bookstores, adult novelty stores or adult video stores;
- (c) adult cabarets;
- (d) adult motels;
- (e) adult motion picture theaters;
- (f) adult theaters;
- (g) escort agencies;
- (h) massage parlor
- (i) nude model studios; and
- (j) sexual encounter centers.

Section 11-1203. Zoning & Spacing.

(a) A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than Industrial Established and Highway Business Established Zoning Districts, as defined and described in Chapter 15 of the Town Code.

(b) A person commits an offense if the person operated or caused to be operated a sexually oriented business within 500 feet of:

(i) A church, synagogue, mosque, temple or building which is used primarily for religious worship and religious activities;

(ii) A public or private educational facility including, but not limited to, nursery schools, preschools, kindergartens, high schools, middle schools, intermediate schools, junior secondary schools, continuation schools, special education schools, junior colleges and universities; school includes the school

grounds and established school bus stops, but does not include facilities used primarily for another purpose and only incidentally as a school;

(iii) A boundary of a residential district as defined in the Town zoning Ordinance;

(iv) A boundary of a public district as defined in the Town Zoning Ordinance or a public library;

(v) The property line of a lot devoted to a residential use.

(c) A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business.

(d) A person commits a misdemeanor if that person causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

(e) For the purpose of Subsection (b) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the property line of the lot or parcel containing the premises where a sexually oriented business is conducted, to the nearest property line of the lot or parcel of the premises, of a use listed in subsection (b). Presence of a Town, County or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(f) For purposes of Subsection (c) of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the property line of the lot or parcel in which each business is located.

Section 11-1204. Exhibition of Sexually Explicit Films, Videos or Live Entertainment In Viewing Rooms.

(a) A misdemeanor is committed by a person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment or other video reproduction which depicts specified sexual activities or specified anatomical areas, if the person fails to comply with the following regulations:

(i) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's or employee's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's or employee's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's or employee's station.

(ii) At least one employee shall be on duty at all times that any patron is present inside the premises.

(iii) All viewing rooms and booths shall remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, no patron shall be permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(iv) No viewing room may be occupied by more than one person at any time.

(v) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted to access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.

(vi) The illumination described above shall be maintained at all times that any patron is present in the premises.

(vii) No openings of any kind shall be allowed to exist between viewing rooms or booths.

(viii) No employee shall knowingly or with reasonable cause to know, permit or allow a patron to commit on the premises an act of "public indecency" as set forth in Wyoming Statute 6-4-201.

Section 11-1205. Nude Model Studios.

(a) A person under the age of 18 years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a

defense to prosecution under this Subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.

(b) A person commits an offense if the person appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

(c) A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

Section 11-1206. Public Nudity.

Public nudity is prohibited within the Town, including in any sexually oriented business.

Section 11-1207. Regulations Pertaining To Adult Theaters, And Adult Cabarets.

(a) It shall be a misdemeanor for a person who knowingly or intentionally appears, entertains or performs in a semi-nude condition in an adult theater or adult cabaret unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage elevated at least two (2) feet from the floor.

(b) It shall be a misdemeanor for a patron or customer to pay or give directly any gratuity to any employee before, during or after an employee has performed or entertained in an adult theater or cabaret. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performer.

(c) It shall be a misdemeanor for an employee, while semi-nude, to have physical contact with a customer or patron while on the premises. It shall be a misdemeanor for a customer to have physical contact with any employee while said employee is semi-nude in a sexually oriented business.

(d) Subsection (a) of this section shall not apply to an employee of a sexually oriented business, who, while acting in the scope of their employment as a waiter, waitress, host, hostess or bartender comes within ten feet of a person.

Section 11-1208 Prohibition Against Minors In A Sexually Oriented Business.

A person commits a misdemeanor if the person knowingly or with reasonable cause to know, permits or allows:

(a) A person under the age of 18 years to be admitted or remain on the premises of a sexually oriented business unless accompanied by a parent or guardian;

(b) A person under the age of 18 years to purchase goods or services at the business premises without the specific consent of a parent or guardian;

(c) A person under the age of 18 years to work at the business as an employee.

Section 11-1209. Hours Of Operation.

A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business, except for an adult motel, and allows such business to remain open for business any time between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. of any particular day.

Section 11-1210. Exemptions.

(a) It is a defense to prosecution under Section 8 that a person appearing in a state of nudity did so in a modeling class operated:

(i) By a proprietary school, licensed by the State of Wyoming; a college, junior college, or university supported entirely or partly by taxation;

(ii) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

(iii) In a structure:

(1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(2) Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

(3) Where no more than one nude model is on the premises at any one time.

Section 11-1211. Advertising.

(a) A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business and advertises the presentation of or depicts or exhibits any activity prohibited by any applicable State Statute or local Ordinance.

(b) A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business and displays or otherwise exhibits the materials or goods of such sexually oriented business in advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of a sexually oriented business.

Section 11-1212. Injunction.

A person who operates, or causes to be operated, a sexually oriented business in violation of any Section of this Ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation.

Section 11-1213. Severability.

If any Section, Subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining Sections, Subsections and clauses shall not be affected.

Section 11-1214. Conflicting Ordinances Repealed.

All Ordinances or parts of Ordinances or the Town Code in conflict with the provisions of this Ordinance are hereby repealed.

Section 11-1215. Territorial Jurisdiction Of Chapter.

The territorial jurisdiction of the regulations found in this chapter shall include all of the incorporated lands located within the Town, such other territory peripheral to the Town which is allowed by law. (Ord. No. 785, 9/20/05)

**CHAPTER 12.
PEDDLERS AND TRANSIENT MERCHANTS.**

Article I. Peddlers (Green River Ordinance).

§ 12-101. Definitions and Exceptions.

§ 12-102. Permit Required.

Article II. Permit Requirements for Transient Merchants.

§ 12-201. Permit application.

§ 12-202. Police to review application.

§ 12-203. Advertising claim requirements and procedures.

§ 12-204. Peddlers selling meat.

§ 12-205. Permit fee and exhibition.

§ 12-206. “No Solicitor” signs.

§ 12-207. Bond Requirements.

§ 12-208. Penalties.

§ 12-209. Exemptions.

§ 12-210. Town Clerk to sue for unpaid license fees.

§ 12-211. Article not to interfere with interstate commerce.

ARTICLE I. PEDDLERS (GREEN RIVER ORDINANCE).

Sec. 12-101. Definitions and Exceptions

(a) Definitions:

(i) "PEDDLER" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from resident, for the primary purpose of attempting to sell a good or service, including without limitation, subscriptions, insurance policies or other benefits. A "peddler" does NOT include a person who distributes handbills or flyers for a commercial purpose, advertising an event, activity, good or service that is offered to the resident for purchase at a location away from the residence or at a time different of visit. Such a person is a "solicitor". (**Comment:** a person who passes out menus for a restaurant would not be a peddler, because the resident ordinarily orders off the menu at a time when the visitor has left. Similarly, a person passing out flyers advertising a sale at a nearby venue would not be a peddler, because the resident ordinarily would be going to the other venue to make a purchase. An individual passing out flyers saying "tomorrow we will come to your house and for \$5 will paint your house number along the curb" would not be a peddler, because the sale would occur after the visit. However, the people who show up tomorrow would need a peddler's permit.) (Ord. No. 829 7/19/2011, 1)

(ii) "SOLICITOR" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purposes of (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service. (Ord. No. 829 7/19/2011, 1)

(iii) "CANVASSER" is a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a non-commercial event or service. (Ord. No. 829 7/19/2011, 1)

(iv) "TRANSIENT MERCHANT, ITERANT MERCHANT, TRANSIENT AND ITERANT FOOD VENDOR, OR ITERANT VENDOR" is any person whether owner, agent, consignee or employee, whether a resident of the town or not, who engages in a temporary business of selling and delivering goods, wares and

merchandise, as well as prepares, offers for sale or serves any products within such town, and who, in furtherance of such purposes, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops, or any street, alley, parking lot, or other place within the town, for the exhibition and sale of such goods, wares and merchandise, as well as prepares, offers for sale or serves any food products, either privately or at public auction; provided that such temporary location, does not sell from stock, but exhibits samples only for the purposes of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as part of, or in the name of any local dealer, trader, merchant or auctioneer. (Ord. No. 829 7/19/2011, 1)

(b) Exceptions:

(i) This ordinance shall not apply to a federal, state or local government employee or a public utility employee in the performance of his/her duty for his/her employer.

(ii) Food sales at a single day event (no more than three (3) days per year) shall be exempt from permit requirements.

(Ord. No. 829 07/19/2011, 2)

Sec. 12-102. Permit required.³³

No person shall engage in soliciting, canvassing or in the business of peddler, transient merchant, itinerant merchant, transient and itinerant food vendor or itinerant vendor within the corporate limits of the Town without first obtaining a permit therefore. Solicitors and canvassers may obtain a permit with no fee. A peddler may employ up to five (5) additional persons conducting peddling under that license. A solicitor and/or canvasser may employ up to twenty (20) persons conducting that activity under that license. (Ord. No. 829 07/19/2011, 3).

ARTICLE II. PERMIT REQUIREMENTS FOR TRANSIENT MERCHANTS.

³³ As to authority of municipalities to license, tax and regulate businesses, see Wyo. Stat. §15-1-103(a)(xiii).

Sec. 12-201. Permit application.

Any applicant for a permit under this article shall file with the Town Clerk a sworn application, in writing, in duplicate, on a form furnished by the Town Clerk, which shall give the following information:

- (i) Name and description of the applicant, and date of birth.
- (ii) Address, legal and local; cell phone and telephone number(s).
- (iii) A brief description of the nature of the business and the goods to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.
- (iv) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (v) The length of time for which the request to do business is desired.
- (vi) If a vehicle is to be used, a description of the same, together with license number or other means of identification.
- (vii) A current original government issued picture identification for a photocopy to be made.
- (viii) The number of persons working under the applicant within the Town and information described in the foregoing subparagraphs (i) through (vii).

(Ord. No. 829 07/19/2011, 4)

Sec. 12-202 Police to review application.

The Police Chief or designated Police official shall review the application as follows:

(a) Upon receipt of the application, the original shall be referred to the chief of police, or his designee, who shall cause such investigation of the applicant's application disclosure, the applicant's business and the applicant's record as he deems necessary for the protection of the public good. (Ord. No. 834 6/17/2014, 2)

(b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory for issuance of a permit based on any of the

factors, the chief of police or his designee shall endorse on the application his disapproval and his reason for the same, and return the application to the Town Clerk. The Chief of Police or his designee may recommend to deny a permit, refuse to renew a permit or revoke a permit if the applicant has:

(i) Made any material representation or false statement in the application for the permit.

(ii) Has previously had a permit under this section revoked for non-compliance with the Town Code requirement for solicitation.

(iii) Fails to notify the Town if any person any person authorized to solicit under the permit, including the applicant, shall have such previously issued permit revoked.

(iv) Failed to conduct and/or supervise solicitation activities under the permit so as to reasonably ensure that such solicitation is in compliance with the terms of the permit and with the provisions of this section.

(v) Authorized, condoned or knowingly tolerated any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

(Ord. No. 834 06/17/2014, 1)

(c) Upon receipt of the report and recommendations, the Town Clerk may notify the applicant that his application is disapproved and no permit will be issued, unless the Town Clerk in her discretion determines otherwise. (Ord. No. 834 06/17/2014, 2)

(d) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his approval, and return the application, to the Town Clerk, who shall, upon payment of the prescribed permit fee, deliver to applicant his permit. Such permit shall contain the signature of the issuing officer and shall show the name, address and photograph of the permittee, the class of the permit issued and the kind of goods sold thereunder, the amount of fee paid, the date of the issuance and the length of time the same shall be operative, as well as the permit number and other identifying description of any vehicle used in such peddling. The Town Clerk shall keep a permanent record of all such permits issued. (Ord. No. 829 07/19/2011, 5)

(e) Peddling permits shall be effective for three (3) weeks unless requested for a shorter term. All other permits shall be for one (1) year or until Dec. 31 of the year of

application, whichever is shorter. Permits shall be for the hours of 9:00 a.m. through 8:00 p.m. (Ord. No. 834 06/17/2014, 3)
(Ord. No. 834 06/17/2014, 3)

Sec. 12-203 Advertising claim requirements and procedures.

It shall be unlawful for any peddler, temporary merchant, transient merchant, itinerant merchant, transient and itinerant food vendor and itinerant vendor to advertise, represent or hold out any goods, wares or merchandise as being sold as an insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer or closing out sale, or as a sale of any goods, wares or merchandise damaged by smoke, fire, water or otherwise, or distress merchandise, unless such peddler, temporary merchant, transient merchant, itinerant merchant, transient and itinerant food vendor or itinerant vendor shall file with the Town Clerk an affidavit showing all the facts relating to the reasons for the character of such sale so to be advertised or represented, and showing that the goods, wares and merchandise of such sale are in fact in accordance with such advertisements and representations. Such affidavit shall include a statement of the names of the persons from whom the goods, wares and merchandise so to be advertised or represented were obtained, the date of the delivery of said goods to the applicant, and the place from which said goods, wares and merchandise were last taken, and all details necessary exactly to locate and fully to itemize all goods, wares and merchandise so to be advertised and represented. If such affidavit shall fail to show that such goods, wares and merchandise of such sale are in accordance with the proposed advertisements or representations as shown in such affidavit, or fails to disclose the facts as herein required, or if the Town Clerk learns that such affidavit is untrue in any particular, then the Town Clerk shall refuse such applicant a license for such sale. Should a license be issued to such applicant, it shall state that such person is authorized and licensed to sell such goods, wares and merchandise, and advertise, represent and hold out the same as being sold as such insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer or closing out sale of any goods, wares and merchandise, or as being damaged by smoke, fire, water or otherwise, or distress merchandise, or in any similar manner present any other fact, as shown by such affidavit. Such affidavit shall be sworn to by the applicant before a person authorized to administer oaths. If the applicant be a partnership, it shall be sworn to by a member of such partnership, or if the applicant be a corporation, it shall be sworn to by one of the officers of such corporation. Every person making a false statement of any fact in such affidavit shall be deemed guilty of perjury and shall be punished for such offense as provided by the laws of the State. (Ord. No. 829 07/19/2011)

Sec. 12-204 Peddlers selling meat.

Peddlers selling meat and/or fish shall have in their possession a valid Wyoming Department of Agricultural Food License and shall display the license to the Town Clerk

before permit will be issued. All products for sale shall comply with the Wyoming Food Safety Rule for Labeling and processing requirements, as well as all requirements of the Wyoming Food, Drug and Cosmetics Safety Act. (Wyo. Stat. §35-7-109 et. seq.) (Ord. No. 829 07/19/2011, 6)

Sec. 12-205 Permit fee and exhibition.

(a) The fees for the permit for a peddler as required by this article shall be twenty-five dollars (\$25.00) per issuance, together with an additional sum of ten dollars (\$10.00) for each additional person working under the applicant. (Ord. No. 834 06/17/2014, 4)

(b) The fees for the permit for a transient merchant; itinerant merchant, transient and itinerant food vendor or itinerant vendor as required by this article shall be three hundred dollars (\$300) per year. No fee shall be required of one selling fruit and/or vegetable products of the farm or orchard actually produced by the seller. (Ord. No. 829 07/19/2011, 8)

(c) Peddlers shall exhibit their permits at the request of any citizen. (Ord. No. 829 07/19/2011, 9)

Sec. 12-206 "No Solicitor" Signs

Any home, residence, or other building exhibiting a sign stating in essence "No Solicitors" shall not be approached by any individual identified in Sec. 12-101 with the stated exceptions. (Ord. No. 829 07/19/2011, 10)

Sec. 12-207 Bond requirements.

If complaint be made to the Town Clerk that any person, firm or corporation doing business in the Town is a transient merchant and such person, firm or corporation shall claim to be a permanent merchant, the Town Clerk shall require of such person, firm or corporation, and he or it shall furnish, a bond in the sum of \$500.00, with surety or sureties to be approved by the Town Clerk. Such bond shall run to the Town Clerk as obligee and it shall secure the payment of the license in the event that such person, firm, or corporation does not continue in the business which he or it is conducting in the Town for a period of one year from the time when such business was started; and bond shall be for the protection of all persons, firms and corporations having a claim or claims against the obligor arising out of said business. At the time of delivering such bond to the Town Clerk, the obligor shall also deliver to the Town Clerk a duly executed instrument making the Town Clerk the agent of the obligor for the purpose of being served with process in the event of suit on such bond. Such merchant so complained against shall also furnish to the Town Clerk the affidavit required in Section 12-203 before advertising or holding out any goods, wares or merchandise as being sold as an insurance, bankrupt, railway wreck, insolvent, assignee,

trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer, or closing out sale, as a sale of any goods, wares or merchandise damaged by smoke, fire, water or otherwise, or distress merchandise. But after such merchant has been conducting the particular business in which he or it is engaged in the Town for a period of one year, such merchant shall be held to be a permanent merchant and the provisions of this Article shall no longer be applicable to such merchant, and if a cash bond has been posted with the Town Clerk, the amount of said bond shall be refunded. (Ord. No. 306 11/10/33, 5)

Sec. 12-208 Penalties

Any person convicted of violation the Ordinance is guilty of a misdemeanor punishable by a fine in an amount not to exceed \$750.00. (Ord. No. 829 07/19/2011, 11)

Sec. 12-209. Exemptions.

The provisions of this Article shall not apply to sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business, or to sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy, or other public officers selling goods, wares and merchandise according to law, nor to any person who is a bona fide resident of the State, selling fruits, vegetables, dressed meats, fowls or farm products which were produced on land within the State, owned or controlled by vendor. (Ord. No. 306, 11/10/33, 6)

Sec. 12-210. Town Clerk to sue for unpaid license fee.

If any person, firm or corporation who is liable for the payment of any license fee under this Chapter shall after demand is made upon him or it by the Town Clerk of the Town or by the Chief of Police, refuse or neglect to pay such fee, unless such person comes within the provisions of Section 12-206, the Town Clerk may in his own name, but for the benefit of the Town, immediately commence and prosecute an action at law against such delinquent person, firm, for the recovery of such license fee and for the purpose of securing any judgment which he might recover in such action, said Town Clerk may have the goods, wares and merchandise of such person, firm, or corporation attached upon the grounds and in the manner provided for in cases of attachment. (Ord. No. 306, 11/10/33, 7)

Sec. 12-211. Article not to interfere with interstate commerce.

Nothing in this Article shall be construed as prohibiting or in any way limiting, restricting or interfering with interstate commerce or the federal statutes regulatory thereof. (Ord. No. 306, 11/10/33, 9)

CHAPTER 13. SUBDIVISIONS.³⁴

Article I. Utilities, Extension and Annexation Policies.

- § 13-101. Definitions.
- § 13-102. Water and sewer services not to be extended without joint powers agreement, etc.
- § 13-103. Property owners to bear costs of in-Town extensions -- Notice to property owners.
- § 13-104. Subdivision within the approval area of the Town.
- § 13-105. Permit required.
- § 13-106. Signed final plat constitutes permit.
- § 13-107. Falsification of information.
- § 13-108. Enforcement provisions.
- § 13-109. Severability.
- § 13-110. Construction of Chapter.
- § 13-111. Relationship to other Ordinances.

Article II. Preliminary Subdivision Plat.

- § 13-201. Filing requirements.
- § 13-202. On-site inspection.
- § 13-203. Commission may require additional information.
- § 13-204. Initial consideration procedures.
- § 13-205. Public hearing.
- § 13-206. Requirements for notice of hearing.
- § 13-207. Matters to be considered by Commission.
- § 13-208. Preliminary subdivision plat requirements.
- § 13-209. Commission to grant clearance to proceed, or require refileing.
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Article III. Subdivision Guidelines and Standards.

- § 13-301. Lot location, size, shape and orientation requirements.
- § 13-302. Flood plain restrictions.
- § 13-303. Slope restrictions.
- § 13-304. Grading restrictions.
- § 13-305. Water supply requirements.

³⁴ As to state law concerning subdivisions, see Article 4 of Chapter 1 of Title 15, and Chapter 12 of Title 34 of the Wyoming Statutes; as to planning and zoning, see Chapters 5 and 6 of Title 15 of the Wyoming Statutes and Chapter 15 of this Code.

- § 13-306. Sewage disposal requirements.
- § 13-307. Oversize main requirements.
- § 13-308. Water rights to be dedicated to Town -- No open irrigation ditches allowed.
- § 13-309. Utility requirements.
- § 13-310. Access requirements -- Street and alley layouts.
- § 13-311. Area for recreational purposes to be dedicated to Town -- Payment in lieu of.
- § 13-312. Erosion control and drainage.
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- § 13-314. Filing the final plat and requirements.
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Article IV. Final Subdivision Plat.

- § 13-401. .Commission to review final plat -- Recommendations to Town Council.
- § 13-402. Review by Town Council.
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- § 13-404. Town council to approve or reject.
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- § 13-406. Contractor to provide as-built maps.

Article V. Affidavit Requirements.

- § 13-501. Surveyor's certificate.
- § 13-502. Owner's certificate of dedication.

Article VI. Revocation of railroad right of way.

- § 13-601. Revocation of railroad right of way.
- § 13-602. Right to revoke railroad right of way Burlington Northern.
- § 13-603. Survey of utilities.

ARTICLE I. UTILITIES, EXTENSION AND ANNEXATION POLICIES.

Sec. 13-101. Definitions.

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section.

(a) Adjacent Landowners -- Owners of land immediately contiguous to the parcel being subdivided. Owners of land across public rights of way from the parcel being subdivided are also considered adjacent.

(b) Commission -- The Planning Commission of the Town.

(c) Final Plat -- The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the governing body through the Commission for approval, and which, if approved, shall be submitted to the County Clerk for recording.

(d) Lot -- A parcel or portion of land in a subdivision or plat of land, separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds, for the purpose of sale or lease to, or separate use of, another.

(e) Master Plan -- A comprehensive plan prepared by the Planning Commission and adopted by the Governing Body which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

(f) Official Map -- The map established by the governing Body showing the streets, highways and parks theretofore laid out, adopted and established by law, and any amendments thereto adopted by the Governing Body, or additions thereto resulting from the approval of subdivision plats by the Town Council, and the subsequent filing of such approved plats.

(g) Preliminary Plat -- The preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission and the Governing Body for consideration.

(h) Streets and Alleys --

(i) Alley -- A minor way which is used primarily for vehicular services access to the back or side of properties otherwise abutting on a street.

(ii) Collector street -- A street which carries traffic from minor streets to major arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

(iii) Cul-de-sac or dead-end street -- A minor street with only one outlet.

(iv) Local Street -- A street used primarily for access to the abutting properties.

(v) Major arterial street -- A fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

(vi) Marginal access street -- A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic.

(vii) Street -- A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

(viii) Street width -- The shortest distance between the lines delineating the right of way of a street.

(i) Subdivide -- The act of creating a subdivision.

(j) Subdivider -- Any person commencing proceedings under this Chapter to affect a subdivision of land for himself or for another.

(k) Subdivision -- The division of a tract or parcel of land into three or more parts for the purpose, whether immediate or future, of sale or of building development.

(l) Town -- Town of Thermopolis, Hot Springs County, Wyoming. (Ord. No. 559, 7/12/79, 17.1)

Sec. 13-102. Water and sewer services not to be extended without joint Powers agreement, etc.

No Town water and sewer services shall extend beyond the corporate limits of the Town of Thermopolis, except where there is a joint powers agreement or other agreement acceptable to the Council whereby capital costs are shared. Capital costs are defined as the total cost of the project. (Ord. No. 559, 7/12/79, 17.2a)

Sec. 13-103. Property owners to bear costs of in-Town extensions -- Notice to property owners.

Within the Town limits, water and sewer utility lines may be extended to places presently not served only where all owners of property along the route of extension not presently and adequately served shall bear the full cost of the extension on a front foot basis. This policy will apply to extensions constructed by the Town or by private developers. Property owners shall be notified prior to any planned extensions and shall have the right to protest the decision to extend before the Council, under the rules of the Wyoming Administrative Procedures Act, Chapter 4 of Title 9 of the Wyoming Statutes. (Ord. No. 559, 7/12/79, 17.2b)

Sec. 13-104. Subdivision within the approval area of the Town.

Subdivision outside the Town limits but within the approval area of the Town shall be reviewed and approved according to this Chapter as applicable. (Ord. No. 559, 7/12/79, 17.2c)

Sec. 13-105. Permit required.

No person shall subdivide land, or commence the physical layout or construction of a subdivision, without first obtaining a subdivision permit from the Council. (Ord. No. 559, 7/12/79, 17.3-2)

Sec. 13-106. Signed final plat constitutes permit.

The signature of the Mayor on the final plat of the subdivision shall constitute the subdivision permit. (Ord. No. 559, 7/12/79, 17.3-3)

Sec. 13-107. Falsification of information.

It is unlawful for any person intentionally to falsify or distort information required by these regulations. (Ord. No. 559, 7/12/79, 17.3-4)

Sec. 13-108. Enforcement provisions.

The description by metes and bounds in the instruments of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from penalty. The Town Council may refuse to provide any municipal service to a development undertaken in violation of those regulations. The Town, or any interested or concerned resident of the Town may, in addition to other remedies provided by law, institute injunctions, mandamus, abatement or any other appropriate action or proceeding

to prevent, enjoin, abate or remove any unlawful erection, construction, alteration, maintenance or use. (Ord. No. 559, 7/12/79, 17.3-5)

Sec. 13-109. Severability.

If any provision of this Chapter or the applicability thereof to any person or circumstance is held invalid, the remainder of these regulations and their application to other persons or circumstances shall not be affected. (Ord. No. 559, 7/12/79, 17.3-6)

Sec. 13-110. Construction of Chapter.

The provisions of this Chapter shall be liberally construed in favor of the public interest. (Ord. No. 559, 7/12/79, 17.3-7)

Sec. 13-111. Relationship to other Ordinances.

When other Town Ordinances also apply, the more restrictive shall govern. (Ord. No. 559, 7/12/79, 17.3-8)

ARTICLE II. PRELIMINARY SUBDIVISION PLAT.

Sec. 13-201. Filing requirements.

The preliminary subdivision plat shall be filed, in triplicate, with the Commission at least 15 days prior to the regular meeting of the Commission (Ord. No. 559, 7/12/79, 17.4-1)

Sec. 13-202. On-site inspection.

The Commission shall cause an on-site inspection of any proposed subdivision to be made by the Town Engineer or his designee. Filing of a preliminary subdivision plat constitutes permission for representatives of the Commission to conduct this inspection. Perimeter boundaries shall be monumented in accordance with Section 13-313 herein and monuments shall be clearly visible at time of filing preliminary plat. (Ord. No. 559, 7/12/79, 17.4-2)

Sec. 13-203. Commission may require additional information.

After consideration of the preliminary subdivision plat and the results of the on-site inspection, the Commission may require additional plans or information before acting on the preliminary subdivision plat. (Ord. No. 559, 7/12/79, 17.4-3)

Sec. 13-204. Initial consideration procedures.

After consideration of a preliminary subdivision plat, the Commission may request additional information as provided in Section 13-203 and make comments on the preliminary subdivision plat. A schedule for the submission of additional information and the holding of a public hearing shall be agreed upon by the Commission and the subdivider. This schedule, along with any requests for additional information and comments, shall be forwarded to the subdivider within ten days. (Ord. No. 559, 7/12/79, 17.4-4)

Sec. 13-205. Public hearing.

All subdivisions shall be the subject of a public hearing which may be scheduled any time after initial consideration of the preliminary subdivision plat provided that adequate time for public notice is provided. (Ord. No. 559, 7/12/79, 17.4-5)

Sec. 13-206. Requirements for notice of hearing.

The subdivider shall notify by certified mail all adjacent landowners of his intent to subdivide. This notice shall contain a description of the parcel to be subdivided and the date, time and location of the public hearing. The subdivider shall also publish, at his own expense, notice of the hearing in the official Town newspaper. Publication shall be made no less than two times within 30 days, the last publication within a week prior to the hearing, and shall contain a description of the parcel to be subdivided as well as date, time and place of the public hearing. Evidence of notification and publication shall be provided to the Commission. (Ord. No. 559, 7/12/79, 17.4-6)

Sec. 13-207. Matters to be considered by Commission.

In arriving at its recommendation to the Council, the Commission shall take into account:

- (a) Compliance of the proposed subdivision with these regulations and other Town guidelines and standards.
- (b) Compliance of the proposed subdivision with the adopted Town Master Plan.
- (c) Population impacts of the subdivision.
- (d) Water supply.
- (e) Sewage treatment and disposal.
- (f) Solid waste disposal.

- (g) Other required public services including law enforcement, fire protection, emergency medical services, recreational facilities, schools and other services.
- (h) Access, parking, traffic safety and road maintenance.
- (i) Impact of the subdivision on local government.
- (j) Storm drainage problems.
- (k) Soil conditions and limitations.
- (m) Measures taken to preserve native vegetation and to control erosion.
- (n) Present recreational value of the site.
- (o) Historic, archeological, and paleontological sites.
- (p) Impact on the visual resource.
- (q) Aesthetic and architectural quality of the proposed subdivision.
- (r) Comments of public and private utilities.
- (s) Comments of interested parties.
- (t) Other factors it may deem pertinent.

(Ord. No. 550, 7/12/79, 17.4-7)

Sec. 13-208. Preliminary subdivision plat requirements.

The preliminary subdivision plat shall contain the following:

- (a) A base map of the proposed subdivision showing all lots, rights of way, easements, etc.
- (b) A map showing the proposed subdivision in relation to its general vicinity.
- (c) A list, including addresses, of all adjacent property owners.
- (d) A plan for the water supply system for the proposed subdivision including appropriate maps drawn as overlays of the subdivision.

(e) A plan for the sewage system for the proposed subdivision including appropriate maps drawn as overlays of the subdivision.

(f) A road and street plan for the subdivision including appropriate maps drawn as overlays of the base map with cross sections of the roads and/or streets indicated and the proposed surface material described.

(g) A map showing any proposed easements and rights of way for private utilities drawn as an overlay of the base map.

(h) A soils map of the proposed subdivision drawn as an overlay of the base map.

(i) A map showing all natural water courses and irrigation structures within and immediately adjacent to the proposed subdivision drawn as an overlay to the base map.

(j) A map showing the distribution of major vegetation types within and adjacent to the proposed subdivision drawn as an overlay of the base map.

(k) A complete application form, which may be obtained from the Town Office. Any of the above maps and plans may be combined where the combination does not interfere with the clarity of presentation.

(l) The above required information shall be submitted on either 18" x 24" or 24" x 36" drawings. (Ord. No. 559, 7/12/79, 17.4-8)

Sec. 13-209. Commission to grant clearance to proceed, or require refileing.

Within 45 days after the public hearing, the Commission shall provide the subdivider with:

(a) A notice that the preliminary subdivision plat must be refiled due to inadequacies in its presentation or content.

(b) A clearance to proceed with preparation of a final plat. The clearance shall be accompanied by the recommendations of the Commission for revision of the initial subdivision plan. These recommendations must be reflected in the final plat.

Sec. 13-210. Appeal procedure.

The subdivider may appeal a notice of rejection of any recommendation of the Commission to the Council. The appeal must be filed, in writing, at the Town Office within

15 days of the receipt of the notice of rejection or recommendations. The appeal shall be heard at a regular or special Council meeting within 30 days of its filing. (Ord. No. 559, 7/12/79, 17.4-10)

ARTICLE III. SUBDIVISION GUIDELINES AND STANDARDS.

Sec. 13-301. Lot location, size, shape and orientation requirements.

Lot location, size, shape and orientation of lots shall be determined with regard to the following factors:

- (a) Access for streets or roads and utilities and services.
 - (b) Off-street parking.
 - (c) Relationship of structures to be erected.
 - (d) Provision of open space and maximization of scenic values.
 - (e) Minimum disruption of natural topography.
 - (f) Local climatic conditions, especially snow and icing patterns.
 - (g) Minimization of storm water run-off and soil erosion.
 - (h) Minimum disruption of irrigation systems serving other lands.
 - (i) Design elements intended to create identity and interest in the subdivision.
- (Ord. No. 559, 7/12/79, 17.5-1)

Sec. 13-302. Flood plain restrictions.³⁵

No lot shall be located within areas subject to flooding or officially designated as flood plains. The inclusion of limited areas may be allowed if the subdivider guarantees that no building will be located on that portion of a lot within the flood plain. (Ord. No. 559, 7/12/79, 17.5-2)

Sec. 13-303. Slope restrictions.

³⁵ As to floodway and floodway fringe regulations, see Article V of Chapter 5 of this Code.

In general, no lot shall be located on slopes of 20% or more. The subdivider may, however, receive permission to plat lots on slopes of 20% or more when sufficient engineering evidence is presented that slope stability problems can be mitigated. (Ord. No. 559, 7/12/79, 17.5-3)

Sec. 13-304. Grading restrictions.

The creation of building sites through mass pad grading or terracing of building sites is prohibited. Mass pad grading or terracing is defined as altering existing slopes that are in excess of 20% or altering a slope of 10% or greater by more than 30%. (Ord. No. 559, 7/12/79, 17.5-4)

Sec. 13-305. Water supply requirements.

No subdivision shall be permitted which is not connected to the Town water supply system. The subdivider shall install a central water distribution system serving all proposed lots, sized adequately to take care of all domestic and fire fighting needs. The system shall be dedicated to the Town in the certificate of dedication required on the final subdivision plat. The subdivider shall guarantee by posting a maintenance bond in the amount of 10% of the cost of development for the system for one year from the acceptance. The system shall be fully compatible with the Master Plan for utilities and conform to all standards adopted by the Town and the State. (Ord. No. 559, 7/12/79, 17.5-5)

Sec. 13-306. Sewage disposal requirements.

No subdivision shall be permitted which is not connected to the town sewage treatment system. The subdivider shall install a central sewage collection system, serving all collection needs. The system shall be dedicated to the Town in the certificate of dedication required on final subdivision plat. The subdivider shall guarantee by posting a maintenance bond in the amount of 10% of the cost of development of the system for one year from the date of acceptance. The system shall be fully compatible with the Master Plan for utilities and conform to all standards adopted by the Town and the State. (Ord. No. 559, 7/12/79, 17.5-6)

Sec. 13-307. Oversize main requirements.

(a) The subdivider may be required to install water supply facilities of excess capacity where the Master Plan of the Town calls for an extension of the Town water supply system into areas beyond the subdivision.

(b) The subdivider may be required to install sewage collection facilities of excess capacity where the Master Plan for the Town calls for an extension of the Town sewage system into areas beyond the subdivision.

(c) The cost of installing oversize mains shall be borne by the subdivider. A proportionate share of the cost shall be recovered from subsequent developers. Conversely, developers making use of oversize mains shall be required to reimburse prior developers. (Ord. No. 559, 7/12/79, 17.5-7)

Sec. 13-308. Water rights to be dedicated to Town -- No open irrigation ditches allowed.

The subdivider shall dedicate all surface water rights appurtenant to the property subdivided as well as shares in canals and ditches to the Town before annexation. No open irrigation ditches shall be permitted in any subdivision. The town shall not maintain irrigation systems in subdivision. (Ord. No. 559, 7/12/79, 17.5-8)

Sec. 13-309. Utility requirements.

(a) All utilities shall be underground.

(b) All underground utilities within the street shall be installed to the property line of each lot prior to street surfacing. (Ord. No. 559, 7/12/79, 17.5-9)

Sec. 13-310. Access requirements -- Street and alley layouts.

(a) All lots shall be provided with usable access by dedicated public road or street.

(b) Roads or street shall follow natural terrain to the extent feasible and cuts and fills shall be minimized.

(c) Where subdivisions border on public lands, provision shall be made for public access through the subdivision to those lands.

(d) The layout of subdivision streets, roads and alleys shall be compatible with the Town's Master Plan. Subdivision streets and roads shall be of adequate width and have surfacing to carry their anticipated traffic load. Specific standards for widths, grades, and surfacing shall be set by the Council for each street or road based on its function within the subdivision and the town. A utilities right of way of seven feet shall be provided behind the curb line on all streets and roads.

(i) Dedicated right of way shall be of a width that bears the potential traffic load plus 14 feet for utilities. The streets shall be constructed according to adopted Town Standards and the subdivider shall guarantee by posting a maintenance bond

in the amount of 10% of the cost of the development, being the cost of the entire project, for a period of one year following acceptance.

(ii) Where unique street layouts are planned, street right of way may be reduced subject to negotiation with the Planning Commission and subject to approval by the Council.

(e) Street names shall be compatible with the existing names and are subject to approval by the Planning Commission and the Council.

(f) Cul-de-sacs and dead-end streets shall have a turning radius of at least 50 feet at their end and shall be no longer than 400 feet.

(g) Street shall intersect at right angles, wherever possible.

(h) Culverts or bridges shall be provided by the subdividers and shall extend across the entire surfaced width of the street.

(i) Sidewalks, curbing and gutters and alleys may be required where the subdivision's layout or location necessitates them. The installation of curbs and gutters must not create or add to storm drainage problems. (Ord. No. 559, 7/12/79, 17.5-10)

Sec. 13-311. Area for recreational purposes to be dedicated to Town -- Payment in lieu of.

The subdivider shall dedicate not less than 100 square feet per platted lot to the Town for recreational purposes. This space shall be appropriately located for neighborhood park purposes. Where a subdivision borders or is so close to an existing park that additional dedicated space is not needed, the subdividers shall make a cash payment to the Town of an amount equal to the fair market value of 100 square feet per platted lot. This cash payment shall be used for park improvements only. (Ord. No. 559, 7/12/79, 17.5-11)

Sec. 13-312. Erosion control and drainage.

(a) All subdivisions shall be designed so as to minimize soil erosion and the consequent sedimentation of natural water courses.

(b) The construction of a temporary or permanent storm drainage and/or other erosion control structures may be required. In general, all areas vulnerable to erosion during the construction and use of a subdivision must be stabilized. (Ord. No. 559, 7/12/79, 17.5-12)

Sec. 13-313. Monument requirements.

(a) The external boundaries of any land division shall be monumented in the field as follows:

(i) by monuments of brass, aluminum, or steel not less than two inches in diameter with surveyor's registration number and corner description inscribed thereon, said monumentation to be placed in concrete monuments or steel pipes 30 inches in length.

(ii) Such monuments shall be placed flush with the surface not more than 1400 feet apart in any straight line, at all corners, at each end of all curves, at the point where the curve changes its radius from one length to another, and at all angle points, but when such a corner or points fall within any street, witness corner monuments shall be placed in the sideline of such street.

(b) All internal boundaries of any land division and those corners and points not required to be marked by the preceding Section shall be monumented in the field as follows:

(i) By like monuments as prescribed in the preceding Section or iron rods or pipes at least 24 inches long. The monument shall bear the surveyor's registration number and corner description inscribed thereon.

(ii) Such monuments shall be placed flush with the ground surface at all block corners, at each end of all curbs, at the point where the curve changes its radius, and at all angle points in any line.

(c) All lot corners in land divisions shall be monumented in the field by iron rods or pipes, at least 18 inches long. The monument shall bear the surveyor's registration number and corner description inscribed thereon.

(d) A minimum of one bench mark, based on the U.S.G.S. datum, shall be established for every 20 lots or dwelling units planned in the subdivision. The bench mark shall be monumented by a brass or aluminum cap not less than two inches in diameter with the elevation inscribed thereon and shall be placed in concrete monuments or steel pipes not less than 30 inches in length.

(e) All property surveys in the Town limits shall be monumented in the manner as described in this Section. (Ord. No. 559, 7/12/79, 17.5-13)

Sec. 13-314. Filing the final plat and requirements.

(a) The final plat shall comply with the following requirements:

(i) One reproducible plat on a stable base polyester film shall be prepared. Plats shall be either 18" x 24" or 24" x 36" in size. Three copies of the plat on paper shall be provided.

(ii) Whenever more than one sheet must be used to accurately portray the lands subdivided, each sheet must be separately numbered as a part of the whole set.

(iii) The bearings, distance and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shoreline or a body of water, the bearings and distance of a closing meander traverse shall be given.

(iv) On curved boundaries and on all curves on the plats, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following:

- (1) Radius of curve.
- (2) Central angle.
- (3) Arc length.
- (4) Notation of non-tangent curves.
- (5) Cord bearing length.

(v) Lengths shall be shown to nearest hundredth of a foot and angles or bearings shall be shown to at least the nearest second.

(vi) The final plat required by this Section shall be rejected if the ratio of error in latitude and departure closure of the survey exceeds 1:3,000.

(b) The final plat submitted for approval shall show or contain on the face of the plat or on separate sheets referred to on the face of the plat:

(i) North point.

(ii) Scale (may not be less than 1" = 200')

(iii) All monuments found, set, reset or replaced describing their kind, size, location and giving other data relating thereto.

(iv) Bearing or witness monuments, basis of bearing, bearings, and lengths of lines.

(v) Names of any adjoining platted subdivision and numbers of any adjoining certificates of survey previously recorded and ties thereto.

(vi) The areas of any parcels created by the final plat, gross and net.

(vii) A title block indicating the quarter section, section, township, range, principal meridian, and county or other proper legal description of the subdivision.

(viii) The exterior boundaries of the platted tract, giving such boundaries by courses and distances.

(ix) The location of all section corners of legal subdivision corners of sections pertinent to the subdivision boundary.

(x) All lots and blocks in the subdivision, designated by number, the dimensions of each lot and block, and the area of all lots. (Excepted parcels shall be marked "Not included in this subdivision" and "Not included in this Plat" as appropriate, and the boundary completely indicated by bearings and distance).

(xi) A centerline bearing shall be shown for all streets, and also, their widths, and the width and the purpose of all rights of way, the names of all streets, and a certificate of dedication of all public rights of way and easements, and park space, which includes the signatures of all mortgagors and lien holders or others having interest in the property.

(xii) The location and dimensions of all parks, common areas, and all other grounds dedicated for public use.

(xiii) Acreage of the subdivision, gross and net.

(xiv) The final plat of the subdivision shall be prepared by a state licensed surveyor whose certificate and signature shall appear on the plat as herein provided in Section 13-501.

(xv) A signature block prepared for the signature of the Mayor.

(xvi) All construction plans for street, drainage, water and sanitary sewer systems shall be prepared by and bear the signature of a state licensed engineer. (Ord. No. 559, 7/12/79, 17.6-2)

Sec. 13-315. Documents to accompany final plat.

The final plat shall be accompanied by:

(a) Copies of all covenants relating to the subdivision.

(b) Evidence satisfactory to the council that the subdivider has adequate financial resources to develop and complete any facility proposed or represented, but to be not limited to water systems and roadways.

(c) Approval of the subdivision's water and sewerage systems from the Wyoming Department of Environmental Quality and the Town Engineer.

(d) A contract, ready for signature, approved by the Town Attorney, specifying the exact nature of public improvements to be completed by the subdivider. The contract shall stipulate the kind and quality of materials to be used and provide for continuing inspection by a designated inspector 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 subdivider for failures due to poor workmanship or materials. The contract shall designate the inspector and the inspector's fee. The contract may, on recommendation of the Commission, include provisions for phasing improvements subject to a plan approved by the Commission and the Council.

(e) Evidence deemed sufficient by the Council that all standards and guidelines set forth in these regulations and all recommendations of the commission have been or will be followed including a report from a representative of the Council that monumentation has taken place. (Ord. No. 559, 7/12/79, 17.6-3)

ARTICLE IV. FINAL SUBDIVISION PLAT.

Sec. 13-401. Commission to review final plat -- Recommendations to Town Council.

The Commission shall review the final plat for its conformance to the recommendations made, to the standards contained in this Chapter, and to the Town's Master Plan. Within 45 days the Commission shall:

(a) Return the final plat for correction or revisions, specifying the revision necessary in writing within ten days, or

(b) Forward the final plat to the Council with a recommendation that it be approved or rejected. (Ord. No. 559, 7/12/79, 17.7-1)

Sec. 13-402. Review by Town Council.

In deciding on whether or not to grant a subdivision permit, the Council shall consider all materials accompanying the subdivision plat, the plat itself, the preliminary subdivision plat as revised, recommendations of the Commission and other factors they may deem pertinent. The Council may at their first consideration of the subdivision plat:

- (a) Approve the plat.
- (b) Make recommendations concerning the plat and consider it at the next meeting of the Council, if revised.
- (c) Request further information and/or set a public hearing for the next meeting of the Council. (Ord. No. 559, 7/12/79, 17.7-2)

Sec. 13-403. Public hearing requirements.

Should consideration of the subdivision plat be extended for a public hearing, the hearing shall be advertised in the newspaper of general circulation in the area of the subdivision weekly for two consecutive weeks. Should consideration of the subdivision plat be extended due to a request for further information or due to recommended changes in the plat, the information requested or revisions to the plat shall be filed with the Council ten days before the next regular meeting of the Council. (Ord. No. 559, 7/12/79, 17.7-3)

Sec. 13-404. Town Council to approve or reject.

After the public hearing or the consideration of the requested information, the Council shall either approve or reject the subdivision plat at their next regular meeting. (Ord. No. 559, 7/12/79, 17.7-4)

Sec. 13-405. Variation nullifies approval -- Improvements subject to inspection.

Approval of a subdivision plat is the approval of the entire subdivision plan including the water and sewer plans, road and street plan, and other design elements required by the Commission. Any variation from these plans will nullify approval of the subdivision. Any and all improvements are subject to inspection by a qualified inspector appointed by the Council, and the inspector's cost will be paid by the subdivider. (Ord. No. 559, 7/12/79, 17.7-5)

Sec. 13-406. Contractor to provide as-built maps.

Sec. 13-502. Owner's certificate of dedication.

Immediately after the affidavit of the surveyor shall appear the certificate of dedication of the owner of the land in substantially the following form:

OWNER'S DEDICATION

STATE OF WYOMING)
) ss.
County of Hot Springs)

This certifies that we (names of owners and spouses) are the owners of (description of the area platted); that we have caused the same to be surveyed and platted into Lots, Block, Streets, Avenues, Alleys, Parks and other lands dedicated to public use in accordance with the annexed map and plat, the same to be henceforth known and designated as (name) Addition to the Town of Thermopolis, Hot Springs County, Wyoming; that we do hereby ratify the act of Surveyor (Name of Surveyor) in the naming of streets, avenues, parks and other public lands as thereon shown; and the above and foregoing subdivision of the above-described lands as appears on this plat is with the free consent, and in accordance with the desires of the undersigned owners and proprietors, and we do hereby release and waive all rights under and by virtue of the homestead exemption laws of the State of Wyoming for the purpose of this dedication.

WITNESS our hands this _____ day of _____, 20__.

(Signature lines for owners)

STATE OF WYOMING)
) ss.
County of Hot Springs)

On this _____ day of _____, 20__, before me personally appeared (names of owners and spouses), to me known to be the persons described in and who executed the foregoing dedication and acknowledged that they executed the same as their free act and deed.

Notary Public

(SEAL)
My commission expires: _____
(Ord. No. 559, 7/12/79, 17.8-2)

ARTICLE VI. REVOCATION OF RAILROAD RIGHT OF WAY.

Sec. 13-601 Revocation of railroad right of way.

Except as hereinafter identified in Section 2 of this Ordinance, the Right of Way across the following designated streets and alleys as set forth in Section 2 of Ordinance No. 92 and Section 2 of Chapter 36, all as therein referenced, is hereby revoked, rescinded and of no further force and effect: All that portion of Arapahoe Street, Warren Street, Fourth Street, Clark Street, Richards Street, Washakie Street, South Street, Third Street, Fourth Street and Fifth Street and the alleys of Block Two, Five, Six, Seven, Twelve and Thirteen in McManigal's Addition; Block Seventeen of the Original Town; Block One of Jones-Sliney Addition, Blocks One and Two in Edward's Addition, and Blocks Four, Five and Seven in Bryden's Addition, lying and being within the limits of the Right of Way and Station Grounds of the Railroad be and the same are hereby declared to be platted and dedicated streets and alleys as currently reflected on the plats recorded in the Office of the Hot Springs County Clerk and Ex Officio Recorder of Deeds. (Ordinance No. 837 09/16/2014, 1)

Sec. 13-602 Right to revoke railroad right of way of Burlington Northern.

That the Right of Way involving streets and alleys, so far as known to the Town, which are still being utilized by the Burlington Northern and Santa Fe Railway Company for its purposes are not revoked at this time, but are **SUBJECT TO BEING AUTOMATICALLY REVOKED AND RESCINDED** at such time as Burlington Northern Santa Fe Company conveys the platted property bordering or divided by the following streets and alleys:

The alley in Block Two of McManigal's Addition;

The alley in Block Seventeen of the Original Town;

The alley in Block Thirteen of McManigal's Third Edition;

Third Street between Blocks Five and Six south of the alley dividing Block Five and dividing Block Six through the south boundary of Warren Street in McManigal's Addition;

Fourth Street south of the Alley in Block Seventeen of the Original Town and Block Thirteen McManigal's Third Addition and south to the alley in Block One of the Jones-Sliney Addition.

(Ordinance No. 837 09/16/2014, 2)

Sec. 13-603 Survey of utilities.

The Town of Thermopolis will cause to be surveyed and filed with the Hot Springs County Clerk and Ex Officio Recorder of Deeds a survey of the location of the Town's water, sewer and sanitation lines which are on or under the streets and alleys or other portions of the railway hereinabove referenced. (Ordinance No. 837 09/16/2014, 3)

CHAPTER 14.
WATER, SEWER AND SANITATION.³⁶

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- § 14-102. Potable Water Availability Fees Schedule.
- § 14-103. Sanitary Sewer Availability Fee Schedule.
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³⁶ As to authority of municipalities to provide and regulate water and sewer service, see Wyo. Stat. §15-1-103(a)(xxx) and Chapter 7 of Title 15 of the Wyoming Statutes.

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ARTICLE I. WATER AND SEWER SERVICE.

Sec. 14-101. Definitions.

- (a) Town - the Town of Thermopolis.
- (b) Fee, Tap Fee, or Availability Fee - a charge for potable water or sanitary sewer service availability based on the greater of the nominal diameters of the potable water service line from the municipal distribution system main to the curb stop or the nominal diameter of the potable water main tapping saddle connection.
- (c) Diameter - the nominal pipe diameter, as designated commercially, for the pipe or tapping saddle connection used to convey potable water from the municipal water main to a building or other point of use or distribution on the lot.
- (d) Consumer - person(s), agent(s), firm(s) or corporation(s) having a legal or equitable interest or ownership in property or structures provided Town water or sewer availability. (Ord. No. 725, 12/16/97, 1)

Sec. 14-102. Potable water availability fees schedule.

All charges for taps or connections to the Town potable water distribution system, made pursuant to the following schedule, shall be paid by the consumer to the Town at the time of approval of authority to tap-on, by a Town official, to the water main system. Any potable water tap-on requested, excluding passive fire extinguishing system taps, that is equal to or greater than 2 1/2" shall be subject to approval of the Town Council taking into consideration the existing conditions at the time, added demand and added loan placed on the Town systems.

DIAMETER	FEE
0" to and including 3/4" (19.1 mm)	\$450.00
over 3/4" to and including 1" (25.4 mm)	\$800.00
over 1" to and including 1 1/2" (38.1 mm)	\$1,800.00
over 1 1/2" to and including 2" (50.8 mm)	\$3,200.00
over 2" to and including 2 1/2" (63.5 mm)	\$5,000.00
over 2 1/2" to and including 3" (76.2 mm)	\$7,200.00

over 3" to and including 4" (101.6 mm)	\$12,800.00
over 4" to and including 5" (127.0 mm)	\$20,000.00
over 5" to and including 6" (152.4 mm)	\$28,800.00
over 6" to and including 7" (177.8 mm)	\$39, 200.00
over 7" to and including 8" (203.2 mm) (Ord. No. 725, 12/16/97, 2)	\$51, 200.00

Sec. 14-103. Sanitary sewer availability fee schedule

Sanitary sewer availability or tap fee should be equal and in addition to the potable water availability or tap fee set forth above. (Ord. No 725, 12/16/97, 3)

Sec. 14-104. Potable water and sanitary sewer availability fees

(a) The consumer shall pay the Town of Thermopolis the appropriate fee(s) for each connection to the municipal potable water distribution system and an equal and additional fee for connection to the municipal sanitary sewer collection system. These fee charges are for service availability only and do not include material, labor and equipment required for the installation, of the private water or sewer line beyond the municipal water distribution main corporation valve or sewer collection main tapping saddle, including all parts or equipment located in the town right-of-ways.

(b) Liability and expense of repairs and maintenance of service lines, including piping, curb stops and boxes, saddles, valves and equipment from connection at the water or sewer main to the point of use, with the exception noted in section 14-105, shall be upon the consumer. All curb stops shall be operable and accessible by Town employees. All costs associated with curb stop accessibility and operability shall be upon the consumer.

(c) The Town shall furnish and install the tapping saddles and corporations valves on the Town water main up to and including two (2) inch diameter and the consumer shall furnish and install the tapping saddles and corporation valves on the Town water mains for taps over two (2) inches in diameter under the supervision and approval of the Town Public Works Department. The Town shall furnish and install the tapping saddles on the Town sewer mains.

(d) After installation, the maintenance, repair or replacement of tapping saddles and corporation valves and damage to Town streets, curb/gutter, utility mains, other service lines, etc., related to backfilling labor, material and equipment required for installation, maintenance or repair of service lines is the responsibility of the consumer including repair

of public roadways, roadway surfacing, structures, mains, other utilities, etc. (Ord. No. 725, 12/16/97, 4)(Ord. No. 746, 8/15/00, 1)

(e) Notwithstanding any other provision of Sec. 14-104 or Sec. 14-105 of the Thermopolis Town Code, any repairs necessary on lead lines located from the property line to the corporation valve, requires replacement including the curb stop located at the property line. A replacement of said service line is the responsibility of the consumer, including backfilling, labor, material and equipment required for the installation of said service line, including repair of public roadways, roadway surfacing, structures, mains, and other utilities. Any repairs necessary on any line including lead lines, from the curb stop to the meter may be repaired by the consumer, at the consumer's expense.
(Ord. No. 760, 9/1/02)

Sec. 14-105. Water use meter.

(a) One (1) three-quarter inch (3/4") or five-eighths inch (5/8") water meter and reading device shall be furnished by the Town, for each tap-on or availability fee collected by the Town, at no cost to the consumer and may be installed by the owner's plumber or Town after proper preparation of the piping by the consumer and, if more than one meter per fee is requested, the consumer shall pay the Town the full cost of those additional meters. The Town shall maintain the 3/4" or 5/8" meter provided, however, maintenance required for reasons of consumer negligence, physical damage, tampering, freezing, etc. shall be performed by the Town and paid for by the consumer. The Town shall furnish one (1) water meter larger than 3/4" per tap-on or availability fee collected by the Town, however, the cost of that meter, installation and maintenance, shall be paid by the consumer minus the customary initial Town cost for a 3/4" meter and, if more than one meter per fee is requested, the consumer shall pay the Town the full cost of any additional meter(s). Water use meters shall be installed such that the service line connected to the meter shall contain two ball valves, the meter, and associated Type "K" copper piping. Installation shall be made in accordance with standard installation drawings available from the Town. All materials and equipment shall be approved by the Town and also meet all applicable requirements of the latest revision of the American Water Works Association, Wyoming Department of Environmental Quality, adopted Plumbing Code, and Wyoming Public Works Standard Specifications. All materials shall be constructed of stainless steel, bronze, brass, or copper unless approved by the Town. The costs of the installation, except for the tie-in of the meter itself, shall be paid by the consumer. The Town shall maintain ownership of all water use meters, including the authority to inspect, repair, remove or order the customer to replace meters regardless of their location or size. (Ord. No. 725, 12/16/97, 5)(Ord. No. 746, 8/15/00, 2)

(b) Water use meters must be accessible by Town employees. All water use meters located in meter pits and stand pipes must be relocated so as to make them accessible to Town employees. Accessible shall mean having reasonable access to the meter in

accordance with the currently adopted Plumbing Code. Any meter installed in a newly constructed structure shall be readily accessible to Town employees in accordance with the adopted Plumbing Code. Readily accessible shall be dimensionally defined as an area of twenty-four inches by twenty-four inches (24" x 24") of unobstructed space surrounding the fixture. (Ord. No. 746, 8/15/00, 3)

(c) If the existing meter is inoperable or malfunctioning and the consumer refuses to replace the defective meter, the Town shall bill the consumer at the highest monthly flow rater, utilized by the consumer, during the three previous years. (Ord. No. 746, 8/15/00, 6)

Sec. 14-106. Sewer service availability only fee.

Sewer service availability fees for a sanitary sewer service, installed, without a contributory potable water service installed, shall be charged equal to a 3/4" diameter potable water availability fee. If, at a later date, a contributory potable water service is installed that exceeds 3/4", the monetary difference between the current charge for a 3/4" and the size installed shall be paid by the consumer for sewer availability in addition to the water availability fee and prior to tapping the Town water main. (Ord. No. 725, 12/16/97, 6)

Sec. 14-107. Storm sewer tapping.

Private tapping of the Town storm sewer system, for storm run-off or ground water pumping only, may be done upon receiving written approval of the Town engineer. All material, labor, equipment and compliance with Town engineer requirements is the responsibility of the consumer. The Town engineer may deny tapping if, in his or her opinion, tapping would be detrimental to the Town water main distribution system or the system is at its maximum capacity. No availability fee shall be charged for a connection to the Town storm sewer system. (Ord. No. 725, 12/16/97, 7)

Sec. 14-108. Passive fire extinguishing system tapping.

Automatic fire sprinkler systems, standpipe systems and on-site fire hydrant systems may be tapped onto the Town water main system upon receiving written approval of the Town engineer. All material, labor, equipment and compliance with Town engineer requirements is the responsibility of the consumer. The Town engineer may deny tapping if, in his or her opinion, tapping would be detrimental to the Town water main distribution system or inadequate water supply is available. No availability fee shall be charged for tapping and a water use meter is not required for this service. (Ord. No. 725, 12/16/97, 8)

Sec. 14-109. Reconnect of potable water or sanitary sewer service.

The reconnection fees for a potable water and relative sanitary sewer service shall be as follows:

(a) For any single, existing and usable or reparable potable water and relative sanitary sewer service not used, or water shut off for any period of time, the fee shall be \$50.00 for reinstating potable water and sanitary sewer service, regardless of tap size. (Ordinance No. 841 11/03/2015, 5)

(b) Any new tapping of the Town main (installation of a new tapping saddle where one did not previously exist) for potable water service, regardless of the existence of any existing service line piping or components, shall be charged to the consumer as per the fee schedule for new tap-on or availability fees.

(c) Any new tapping of the Town main (installation of a new tapping saddle where one did not previously exist) for sanitary sewer service, regardless of the existence of any existing service line piping or components, shall be charged to the consumer as per the fee schedule for new tap-on availability fees. (Ord. No. 725, 12/16/97, 9, Ord. No. 774, 2/1/04)

Sec. 14-110. Separation of service lines.

A separate potable water availability and sanitary sewer availability fee shall be paid by the consumer and a separate water main tapping saddle, corporation stop, piping and curb stop/box and sewer piping and tapping saddle shall be installed for each non-contiguous residential and commercial structure. Contiguous multi-unit residential or commercial structures and mobile homes or RV parks; i.e. apartments, townhouses, condominiums, hotels, motels, residential care facilities, malls, mobile home or RV parks, etc., may have one (1) potable water service connection and pay one (1) water availability fee, if provisions are made for lockable, positive water shut-offs, for each unit billed. These structures may have one (1) sanitary sewer service connection and pay one (1) sewer availability fee based on the size of the contributory water service. (Ord. No 725, 12/16/97, 10)

Sec. 14-111. Disposition of fees collected.

Water and sewer availability fees or tap fees collected will be deposited in the Town Water and Sewer Capital Improvement Account respectively. (Ord. No. 725, 12/16/97, 11)

Sec. 14-112. Unlawful to tap without Town's consent.

It is unlawful for any person to connect any pipe or other conduit, device or contrivance to any water main or lateral supply main or pipe supplying or intended to supply water to any house, store or other building, without the knowledge and consent of the Town, in such manner that any portion of such water may be transmitted or supplied to

any home, store or other building at which said water is consumed or used. (Ord. No. 543, 11/17/77, 4)

Sec. 14-113. Unlawful to avoid use of water meter.

It is unlawful for any person to connect or change any pipe or other conduit, device, or contrivance to any water main or lateral supply pipe, supplying or intended to supply water to any house, store or other building, without the knowledge or consent of the Town, in such manner that any portion of such water may be transmitted for use, or is consumed or used, around or without passing through the water meter provided for measuring or registering the amount or quantity of water passing through it. If it is determined that water is being procured by a consumer without first passing through a Town approved water use meter, for metering purposes, the consumer shall have ten (10) days to make the necessary repairs such that all Town supplied flows of water can be metered by the Town. If, after the ten (10) day period, water is still being utilized by the consumer without first being metered, water service will be disconnected. Punitive action will also be taken pursuant to section 6-104. (Ord. No. 543, 11/17/77, 5)(Ord. No. 746, 8/15/00, 4)

Sec. 14-114. Unlawful to interfere with, etc., water meter.

It is unlawful to willfully injure, alter, or by any instrument, device or contrivance, in any manner interfere with or destroy the action or operation of any water meter for measuring water, or the amount or quantity of water passing through it, without the knowledge or consent of the Town. (Ord. No. 543, 11/17/77, 6)

Sec. 14-115. Duty to repair water service line.

All owners of buildings receiving municipal water service shall construct, reconstruct, or repair the service line transporting water from the main to the building when ordered to do so by the governing Body of the Town or the duly appointed representative of the Governing Body. (Ord. No. 610, 11/1/83, 1)

Sec. 14-116. Order to repair water service line -- Form and contents.

When an order is issued to a property owner to construct, reconstruct, or repair the service line, the order shall be in writing and shall contain:

- (a) A brief description of the action required of the property owner.
- (b) A statement requiring compliance with the Uniform Plumbing Code and the Town-approved engineering standards.

(c) A statement advising the owner that if he fails to have the work done, the Town may proceed to have the work done and charge the costs thereof against the property.

(d) A statement advising the owner that the order may be appealed by filing with the Town Administrator within 20 days from the date of service a written appeal. (Ord. No. 610, 11/1/83, 2)

Sec. 14-117. Same -- Criteria for issuance.

The construction, reconstruction, or repair of service lines shall be ordered when one or more of the following conditions is met:

(a) There is evidence that the service line is leaking between the Town-owned main and the building where the water is used; or

(b) Two or more buildings are served by the same water line and are constructed in a manner that violates the Uniform Plumbing Code; or

(c) The public health, safety, or welfare will be served by the construction, reconstruction, or repair of such service lines. (Ord. No. 610, 11/1/83, 3)

Sec. 14-118. Same -- Service on landowner.

The written order provided for in Section 14-116 above shall be served by certified mail with a return receipt. If the address of the owner is unknown, such order shall be published twice in a newspaper of general circulation published in the Town. (Ord. No. 610, 11/1/83, 4)

Sec. 14-119. Same -- Appeal procedure.

The Board of Appeals shall fix a date, time, and place for a hearing by the Board, as soon as practicable after receiving a written appeal. Written notice of the time and place of the hearing shall be given at least ten days prior to the hearing by the Town Administrator to the owner of the property. The procedure for hearing the appeal shall be in accordance with the rules and regulations of the Board of Appeals. (Ord. No. 610, 11/1/83, 5)

Sec. 14-120. Same -- Commencement of work.

When an order has been served, the owner shall, within 30 days after service, commence the construction, reconstruction, or repair of such service line and finish same without delay. (Ord. No. 610, 11/1/83, 6)

Sec. 14-121. Same -- Same -- Construction by Town.

(a) In the event that an owner fails to proceed as provided in Section 14-120 above, the Town shall proceed without delay to cause the service line to be constructed, reconstructed, or repaired, paying for the cost thereof out of available funds of the Town. An itemized account of the costs shall be kept by the Street Superintendent, and the itemized account of costs, together with a report of the work done, a description of the property served by the water line, and the name and address of the owner shall be filed with the Clerk.

(b) Upon receipt of such documents, the Clerk shall set a time, place and date for the Governing Body to hear any protests or objections to the cost of the construction, reconstruction, or repair. The Clerk shall send notice of the hearing to the owner of the property. Any person interested in or affected by the proposed charge may file written protests with the Clerk or may appear at the hearing to present such protests or objections.

(c) After the hearing, the Governing Body may make such revisions, modifications, or changes in the charges as seem just, and shall certify the approved charge to the County Treasurer. The Governing Body, in its discretion, may determine that assessments in the amount of \$500.00 or more shall be payable in not to exceed five equal annual installments. The determination of the Governing Body to allow payment of such assessments in installments, the number of installments, whether they shall bear interest, and the rate thereof shall be by resolution adopted prior to the confirmation of the assessment. The decision of the Governing Body is final.

(d) The assessment under this Title shall be collected in the manner provided for the collection of municipal taxes, and shall, upon becoming delinquent, be subject to the same interest, penalty, and liens as other delinquent municipal taxes. (Ord. No. 610, 11/1/83, 7)

Sec. 14-122. Same -- Depositing of money collected by Town.

All money collected and returned to the Town under this Article shall be credited to the fund from which payment for the construction, reconstruction, or repair of water service lines was made. (Ord. No. 610, 11/1/83, 8)

Sec. 14-123. Penalty.

Any person who violates any provision of this Article is guilty of a misdemeanor punishable by a fine of not more than \$750.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons in violation of this Article shall be required to correct or remedy such violation or defect within a

prescribed time by a Town official. When not otherwise specified, each day that prohibited conditions are maintained, shall constitute a separate offense. Applications of this penalty shall not be held to prevent the forced removal of prohibited conditions. (Ord. No. 725, 12/16/97, 13) (Ord. No. 800, 5/10/07)

Sec. 14-124. Negotiation of Fees

The Governing body may negotiate the required fees for potable water availability and sanitary sewer availability on a case by case basis. On the request of any person or entity, the Governing Body shall take into consideration the economic and social benefits that the project or development will provide to the Town; the Town's costs to tap into its water and/or sewer system; the condition of the water and/or sewer system overall; the capacity of the water and/or sewer system; and the financial condition of the enterprise fund and related funds incident to the water and sewer accounts. (Ord. No. 788, 12/6/05)

Sec. 14-125. Abandonment and Capping of Unused Water Service Lines.

(a) In the instances where the Town may have uncovered private water lines service lines that have not been used in five or more years during any planned or emergency maintenance activities and the exposure of that line provides an opportunity to address present or future maintenance concerns that would potentially affect the Town's water delivery system, then the Town may make all reasonable and required changes and upgrades and collect all costs from the private water service line owner or may cap the water main at the service line connection and classify such private water service line as abandoned on the Town's records. If the Town has sufficient advance notice of specific excavations that may affect specific private water service lines, then the Town shall make reasonable efforts to relay any pertinent information to the private water service line owner. The Town may accommodate the private water service line owner so long as the private water service line owner makes arrangements satisfactory to the Town to reimburse the Town for costs and expenses. The Town reserves the right to cap any private water service line as previously discussed in this section at the water main delivery point in the event of any exigent circumstances that could prospectively damage the Town's water delivery system. (Ord. No. 804, 9/1/07,1)

(b) The Town may collect all costs for such reasonable and required changes and upgrades from the property owner as per Town Code Section 14-116 et. seq. If a private water service line is considered abandoned, the owner shall contact the Town in order to determine the procedures and cost for re-attaching to the Town water supply main. (Ord. No. 804, 9/1/07,2)

ARTICLE II. FLUORIDATION.

Sec. 14-201. Fluoridation -- Authorized.

The superintendent, supervisor, or other person in charge of the operation and management of the water supply system of the town is hereby authorized and directed to provide the means and to proceed with the introduction of the fluoride ion into the water supply in such quantities as are required to maintain throughout the pipe distribution system a fluoride ion concentration of approximately 1.5 parts per million, which introduction of the fluoride ion shall be accomplished under the direction and supervision of the Health Department of the State of Wyoming, using machinery, equipment and materials approved by said Department of Health. (Ord. No. 383, 4/18/53, 1)

Sec. 14-202. Same -- Accurate record to be maintained.

There shall be maintained by the person in charge of the fluoridation program an accurate record of the amount of fluoride-bearing chemical applied, the quantities of water treated, and he shall cause such analytical tests to be made for fluorides (in terms of the element F) in the treated and untreated water as is directed to be done by the Health Department of the State of Wyoming. (Ord. No. 383, 4/18/53, 2)

Sec. 14-203. Same -- Town Health Officer to make periodic reports.

The Town Health Officer is hereby directed to make periodic reports, not less than once every six months, on the fluoridation of the water supply, and to seek the cooperation of the educational and scientific institutions to conduct surveys and research as to the beneficial effect of the program and project upon the citizens of Thermopolis. (Ord. No. 383, 4/18/53, 3)

Sec. 14-204. Same -- Costs to be borne by Town Water Fund.

All costs, charges and expenses incurred in connection with or because of the introduction of the fluoride ion into the water supply of the Town shall be borne by the Water Fund of the Town, and shall be paid therefrom. (Ord. No. 383, 4/18/53, 4)

ARTICLE III. SEWAGE DISPOSAL.

Sec. 14-301. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

- (a) BOD (Biochemical Oxygen Demand) -- The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.
- (b) 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 (1.5 meters) outside the inner face of the building wall.
- (c) Building Sewer -- The extension from the building drain to the public sewer or other place of disposal.
- (d) Combined Sewer -- A sewer receiving both surface runoff and sewage.
- (e) Garbage -- Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from sanitary sewage.
- (f) Industrial Wastes -- The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (g) Natural Outlet -- Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (h) Person -- Any individual, firm, company, association, society, corporation or group.
- (i) pH -- The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (j) Properly shredded garbage -- The wastes from the preparation, cooking, and dispensing of food 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 1/2 inch (1.27 centimeters) in any dimension.
- (k) Public Sewer -- A sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.
- (l) Sanitary Sewer -- A sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.
- (m) Sewage -- a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

(n) Sewage Treatment Plant -- Any arrangement of devices and structures used for treating sewage.

(o) Sewage Works -- All facilities for collecting, pumping, treating, and disposing of sewage.

(p) Sewer -- A pipe or conduit for carrying sewage.

(q) Shall is mandatory; may is permissive.

(r) Slug -- Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

(s) Storm Drain or Storm Sewer -- A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(t) Town Engineer -- The Town Engineer of the Town of Thermopolis, or his authorized deputy, agent, or representative.

(u) TSS (Total Suspended Solids) -- Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(v) Watercourse -- A channel in which a flow of water occurs, either continuously or intermittently. (Ord. No. 544, 12/1/77, 19-17 through 19-38)

Sec. 14-302. Purpose of user charge system.

The purpose of the user charge system shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system as well as debt payment of new construction. The costs shall be distributed to all users of the wastewater system in proportion to each user's contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), 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 other class). (Ord. No. 544, 12/1/77, 19-39), (Ord. No. 814, 5/1/08)

Sec. 14-303. Town to determine total annual costs of operation.

The Town or the 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 service 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. No. 544, 12/1/77, 19-40)

Sec. 14-304. Town to determine each user's average monthly use.

The Town or the Town Engineer shall determine each user's average monthly volume of wastewater based upon water meter readings for a winter quarter during which lawn watering is minimal. The Town or the Town Engineer may determine each user's average monthly poundage of five-day, 20° C. BOD and average monthly poundage of suspended solids (TSS) for the same period used to determine the average monthly volume of wastewater. The Town Engineer may determine classes of users or user classes and determine the effluent concentration and volume contribution which shall be used as a base for each class in accordance with the factors considered in this Town Code Section 14-304 and also 14-305 and 14-306. (Ord. No. 544, 12/1/77, 19-41) (Ord. No. 814, 5/1/08)

Sec. 14-305. Town to determine average residential user's normal strength waste -- Surcharge rate for non-residential users who exceed the norm.

The Town or the Town Engineer may determine the average TSS and BOD monthly loadings for the average residential user. The Town or the Town Engineer shall assess a surcharge rate for all non-residential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users shall be assessed a surcharge, sufficient to cover the costs of treating such users above normal strength wastes. Normal strength wastes are considered to be 200 p.p.m. BOD and 250 p.p.m. TSS. (Ord. No. 544, 12/1/77, 19-42)

Sec. 14-306. Each user to pay fair share of costs -- Method of determining rate.

Each user or user class shall pay its fair share of the operation and maintenance costs of the wastewater treatment system. The Town or the Town Engineer shall determine the average residential monthly winter volume contribution which shall be used as a base. Each non-residential user's average monthly volume, as determined in Sec. 14-304, will be divided by the average residential monthly winter volume contribution to determine the number of equivalent residential contributions for each user or user class. The base effluent concentration and volume contribution may be used by the Town Engineer to determine a factor/multiplier that represents the number of equivalent residential contributions for each user or user class. The wastewater charge for commercial or nonresidential users within

Thermopolis and East Thermopolis shall be the factor/multiplier multiplied by the charge to a residential user. The wastewater rate for residential users, the classes of commercial or nonresidential users and the factor/multiplier to be applied to each nonresidential or commercial user, shall be included in the rate schedule set by the Town Council from time to time and included in the Appendix F to the Town Code. The total number of equivalent residential contributions plus the total number of actual residential users will be divided into the total annual cost of operation and maintenance, as determined in Sec. 14-303, to determine the charge to a residential user. The number of equivalent residential contributions for each user, or user class, shall be multiplied by the charge to a residential user to determine the charge to each user or user class. Industrial and commercial establishments may be classified as residential provided their contributions are less than or equal to the waste from an average residential user with respect to volume, TSS and BOD. Each user's charge will be assessed in accordance with the rate schedule set by the Town Council from time to time. The Town may also set separate rates for residential units outside the corporate limits of Thermopolis. The wastewater charges for commercial or nonresidential users outside the corporate limits of Thermopolis shall be the same factor/multiplier multiplied by the charge to the residential user outside the corporate limits of Thermopolis. Each month, commercial users will also be charged \$1.00 per thousand gallons of water used over 15,000 gallons, based on the preceding February's water usage; to be updated in April of each year. (Ord. No. 544, 12/1/77, 19-43), (Ord. No. 814, 5/1/08)

Sec. 14-307. Annual review of costs and rates.

The Town shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution on an annual basis 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. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution, 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 is to be changed. The Town shall notify the user of its findings as soon as possible. (Ord. No. 544, 12/1/77, 19-45)

Sec. 14-308. Rate schedule.

Users will be charged in accordance with the rate schedule set by the Town Council from time to time. (Ord. No. 544, 12/1/77, 19-46)

Sec. 14-309. Unlawful to place excrement, etc., on public or private property.

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 or animal excrement, garbage, or other objectionable waste. (Ord. No. 544, 12/1/77, 19-47)

Sec. 14-310. Unlawful to discharge untreated sewage, etc.

It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article. (Ord. No. 544, 12/1/77, 19-48)

Sec. 14-311. Unlawful to construct privy, etc., except as provided.

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 sewage. (Ord. No. 544, 12/1/77, 19-49)

Sec. 14-312. Owner to install toilet facilities.

The owner 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 his 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 Article, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the property line. (Ord. No. 544, 12/1/77, 19-50)

Sec. 14-313. Private sewage disposal system -- When allowed.

Where a public sanitary or combined sewer is not available under the provisions of this Article, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article. (Ord. No. 544, 12/1/77, 19-51)

Sec. 14-314. Same -- Permit required.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Town Engineer. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, Wyoming Department of Environmental Quality (DEQ) approval and other information as are deemed necessary by the Town Engineer. (Ord. No. 544, 12/1/77, 19-52)

Sec. 14-315. Same -- Inspection by Town Engineer.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Town Engineer. He shall be allowed to inspect the work at any stage of the construction and, in any event, the applicant for the permit shall notify the Town Engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Town Engineer. (Ord. No. 544, 12/1/77, 19-53)

Sec. 14-316. Same -- To meet DEQ recommendations -- Minimum lot size.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the DEQ. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 43,560 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord No. 544, 12/1/77, 19-54)

Sec. 14-317. Same -- To be abandoned whenever public sewer available.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material. When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. No. 544, 12/1/77, 19-55, 19-58)

Sec. 14-318. Same -- Sanitary operation required.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town. (Ord. No. 544, 12/1/77, 19-56)

Sec. 14-319. Same -- Article not to conflict with DEQ requirements.

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the DEQ. (Ord. No. 544, 12/1/77, 19-57)

Sec. 14-320. Permit required to use, etc., public sewer.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town Engineer. Any person requesting a connection to serve residential, commercial, industrial or any other establishment shall request and obtain a

permit from the Town prior to connecting to the sewer system. (Ord. No. 544, 12/1/77, 19-59, 19-87)

Sec. 14-321. Classes of permits -- Application requirements.

There shall be two classes of building sewer permits: (a) for residential and commercial service, and (b) 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. (Ord. No. 544, 12/1/77, 19-60)

Sec. 14-322. Owner to bear costs of building sewers, and to indemnify Town.

All costs and expense incident 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. (Ord. No. 544, 12/1/77, 19-61)

Sec. 14-323. Separate building sewer required for each building -- Exceptions.

A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on 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. (Ord. No. 544, 12/1/77, 19-62)

Sec. 14-324. When old building sewers may be used.

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 Article. (Ord. No. 544, 12/1/77, 19-63)

Sec. 14-325. Plumbing Code, etc., to apply to building sewers.

The size, slope, alignment, materials of construction of a building sewer, 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 Code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.E. Manual of Practice No. 9 shall apply. (Ord. No. 544, 12/1/77, 19-64)

Sec. 14-326. Building sewer to be below basement floor -- Procedure where building drain too low.

Whenever possible, the building sewer shall be brought to the building as 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. (Ord. No. 544, 12/1/77, 19-65)

Sec. 14-327. Surface runoff, etc., not to be connected to public sanitary sewer.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. (Ord. No. 544, 12/1/77, 19-66)

Sec. 14-328. Connection of building sewer to public sewer to comply with Plumbing Code, etc.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and Plumbing Code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.E. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Town Engineer before installation. (Ord. No. 544, 12/1/77, 19-67)

Sec. 14-329. Applicant to notify Town engineer when building sewer ready for inspection -- Town Engineer to supervise connection.

The applicant for the building sewer permit shall notify the Town Engineer when the building is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Town Engineer. (Ord. No. 544, 12/1/77, 19-68)

Sec. 14-330. Excavation safeguards -- Restoration of streets, etc.

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. No. 544, 12/1/77, 19-69)(Ord. No. 745, 8/1/00)

Sec. 14-331. Discharge into sanitary sewers restricted.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. (Ord. No. 544, 12/1/77, 19-70)

Sec. 14-332. Town Engineer to approve stormwater, industrial waters, etc., discharge.

Stormwater 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. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town Engineer, to a storm sewer, combined sewer, or natural outlet. (Ord. No. 544, 12/1/77, 19-71)

Sec. 14-333. Discharge of certain waters or wastes to public sewers prohibited.

No person shall discharge or cause to be discharged any of the following-described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of 2 mg/1 as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(d) 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 sewage works 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 and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (Ord. No. 544, 12/1/77, 19-72)

Sec. 14-334. Same-- town Engineer to consider.

No person shall discharge or cause to be discharged the following-described substances, materials, waters, or wastes if it appears likely in the opinion of the Town

Engineer that such wastes can harm either the sewers, sewage treatment process, or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Town Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than 150° F. (65° C.).
- (b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/1 or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 h.p. metric) or greater shall be subject to the review and approval of the Town Engineer.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the town Engineer for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Town Engineer as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) 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.
- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:

(i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters. (Ord. No. 544, 12/1/77, 19-73)

Sec. 14-335. Same -- Town Engineer's options.

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 Section 14-334, and which in the judgment of the Town Engineer may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town Engineer may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 14-29.

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 subject to the requirements of all applicable codes, ordinances, and laws. (Ord. No. 544, 12/1/77, 19-74)

Sec. 14-336. Grease, oil and sand interceptors.

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 grease in excessive amounts, 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. (Ord. No. 544, 12/1/77, 19-75)

Sec. 14-337. Preliminary treatment and flow-equalizing facilities.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. (Ord. No. 544, 12/1/77, 19-76)

Sec. 14-338. Manhole, meters, etc., to be supplied for building sewers carrying industrial wastes.

When required by the Town Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Town Engineer. The manhole 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. (Ord. No. 544, 12/1/77, 19-77)

Sec. 14-339. Measurement, test and analysis procedures.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods of the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analysis involved will determine whether a 24 hour

composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples. (Ord. No. 544, 12/1/77, 19-78)

Sec. 14-340. Town may agree to accept industrial waste of unusual strength or character.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern. (Ord No. 544, 12/1/77, 19-79)

Sec. 14-341. Unlawful to destroy, etc., any part of sewer works.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. (Ord. No. 544, 12/1/77, 19-80)

Sec. 14-342 Town Engineer may enter property for inspection, etc.

The Town Engineer and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Article. The Town Engineer shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. (Ord. No. 544, 12/1/77, 19-81)

Sec. 14-343. Town Engineer to abide by safety rules -- Company to be liable only for negligence, etc.

While performing the necessary work on private properties referred to in Section 14-342 above, the Town Engineer or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 14-338. (Ord. No. 544, 12/1/77, 19-82)

Sec. 14-344. Town Engineer may enter upon easements.

The Town Engineer and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. (Ord. No. 544, 12/1/77, 19-83)

Sec. 14-345. Notice of violation.

Any person found to be violating any provision of this Article except Section 14-341 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation. (Ord. No. 544, 12/1/77, 19-84)

Sec. 14-346. Violator liable for expenses, etc.

Any person violating any of the provisions of this Article shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. (Ord. No. 544, 12/1/77, 19-86)

Sec. 14-347. Continued violation after notice.

Each day in which any violation continues beyond the time limit set pursuant to Section 14-345 shall be deemed a separate offense. (Ord. No. 544, 12/1/77, 19-85)

Sec. 14-348. Severability.

The invalidity of any section, clause, sentence, or provision of this Article shall not affect the validity of any part of this Article which can be given effect without such invalid part or parts. (Ord. No. 544, 12/1/77, 19-16)

ARTICLE IV. WATER USE RESTRICTIONS.

Sec. 14-401. Mayor may impose reasonable use restrictions.

The Mayor is hereby authorized, whenever he deems it necessary or advisable, to impose reasonable restrictions on the use of water supplied through the Town's water

supply system. Such restrictions shall be enforced as uniformly as practicable under the circumstances. (Ord. No. 589, 6/8/81, 1)

Sec. 14-402. Notice of use restrictions.

Notice of the imposition of water-use restrictions shall be by the means most reasonably likely to inform users, including but not limited to publication at least once in a newspaper of general circulation in the Town. (Ord. No. 589, 6/8/81, 2)

Sec. 14-403. Concurrence of Town Council.

At the next regular meeting of the Town Council following imposition of water use restrictions, the Town Council shall, by resolution, concur in such restrictions. If the Town Council does not so concur, the restrictions shall be considered terminated. Such a lack of concurrence, however, does not invalidate the restrictions' prior effectiveness. (Ord. No. 589, 6/8/81, 3)

Sec. 14-404. Term of use restrictions.

Water use restrictions imposed pursuant hereto may be for a specific term, or for an indefinite period. (Ord. No. 589, 6/8/81, 4)

Sec. 14-405. Penalty for violation.

The penalty for a violation of this Article shall be as set forth in Code Section 6-104, as amended from time to time. (Ord. No. 589, 6/8/81, 5)

ARTICLE V. SANITATION.

Sec. 14-501. Purpose of Article -- Town Council authorized to enforce.³⁷

This Article 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 empowered and directed to use every means at its disposal, including its police powers, for the enforcement thereof. (Ord. No. 460, 2/3/64, 1)

Sec. 14-502. Definitions.

³⁷ As to authority of municipalities to declare and abate nuisances, see Wyo. Stat. §15-1-103(a)(xix); as to authority of municipalities to regulate for the peoples' health, safety and welfare, see Wyo. Stat. §15-1-103(a)(xii).

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

(b) Refuse -- Includes any and all grass clippings, leaves, hay, straw, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, and any and all other material commonly known as rubbish or refuse of any kind or character, or by any name known, except as herein excluded. (Ord. No. 460, 2/3/64, 2.3)

Sec. 14-503. Occupation of premises prima facie evidence of production of garbage and refuse -- Right of Town to remove unsightly garbage and refuse -- Accumulation of garbage or refuse declared nuisance.

Any place of abode or place of business in operation or inhabited in any way shall be prima facie evidence that refuse and/or garbage is being produced and accumulated at such place and on such premises. It shall be the duty of the proper representatives of the Town to inspect and supervise said places and premises, and for the Town to cause, or have, such garbage and refuse removed as hereinafter provided. Otherwise, the Town shall have the right and power to remove all garbage, refuse, junk and unsightly matter from the Town, and to make such charges for such removal as the Mayor and Town Council shall determine should be made from time to time. All charges shall be made directly against the property holder and property, and the Town shall have the right to make any special charges for special removal operation, and all charges so made shall be paid within 30 days from the property holder being billed therefore. Any charges so made and not paid within 30 days from time of billing shall become a lien upon the real property involved, and be foreclosed in the manner and form provided for by the Statutes of the State of Wyoming relating to the filing and foreclosure of Mechanic's Liens. Any accumulation of garbage, refuse, junk and unsightly matter or material on any premises, except duly licensed junkyards, in the Town is hereby declared to be a nuisance and is prohibited hereunder, excepting as herein provided. (Ord. No. 460, 2/3/64, 4)

Sec. 14-504. Accumulation of garbage or refuse forbidden -- Store owner's duty to remove.

No hay, straw, shavings, excelsior, paper or other combustible materials, sod, lawn mowings, leaves, weeds, cans, rocks, stones, or any other refuse or material or matter shall be accumulated so as to become a nuisance anywhere in the Town, or thrown or swept into any street, gutter, sewer, intake, alley, vacant lot or other property.

No dirt, rubbish or refuse of any kind shall be thrown, swept, or pushed into the street in front of any store or place of business by the owner, manager, or any employee or agent thereof, or put in any alley or other public way, except for being picked up, and shall be placed in proper receptacles or piled and placed as hereinafter provided in such manner as to not be unsightly. Each business establishment shall be held responsible for keeping the sidewalks in front of such building free of any accumulation of any dirt, papers, rubbish, or any other unsightly material, and keep the same in proper receptacles in the alleys, or piled as hereinafter provided, to be removed and hauled away, and the owner or manager of such business shall be held liable for any violation thereof. (Ord. No. 460, 2/3/64, 5)

Sec. 14-505. Premises to be kept clean and orderly -- Accumulation of garbage or refuse declared a nuisance.

It shall be the duty of every person, whether owner, lessee or renter, of any vacant lot, building, or premises, including place of business, hotel, restaurant, dwelling house, apartment, tenement or any establishment or place and all ground and ways within the corporate limits of the Town, at all times to keep and maintain the same in a clean, orderly and sanitary condition, permitting no deposit or accumulation of garbage, refuse, junk, or any matter or material other than those ordinarily attendant upon and for the use of such premises, and for which said premises are being legally used, and placing all garbage, refuse, junk, and other matter for removal properly placed, and whereby the same can be removed as herein provided, and any such accumulation not properly placed for removal is hereby declared to constitute a nuisance and a non-conforming use of ground and premises. (Ord. No. 460, 2/3/64, 7)

Sec. 14-506. Mayor to designate annual clean up week.

The Mayor shall each year designate one week as an annual clean up week. (Ord. No. 460, 2/3/64, 8)

Sec. 14-507. Vacant lots to be kept clean and orderly.

It shall be the duty of every person, whether owner, lessee, or renter of any vacant lot to maintain the premises in a clean and orderly condition, and to permit no accumulation or unsightly growth of weeds. (Ord. No. 460, 2/3/64, 13)

Sec. 14-508. Burning of garbage prohibited -- Permit required to burn trash, weeds, leaves, etc.

The burning of garbage within the Town of Thermopolis is strictly prohibited. The burning of weeds, leaves and grass is prohibited without first obtaining a written burn permit from the Chief of the Thermopolis Volunteer Fire Department, or his designee. Burning of other combustible materials is strictly prohibited without first obtaining a

written permit for the burning of combustible materials, other than grass, leaves and weeds, from the chief of the Thermopolis Volunteer Fire Department.

Requirements stated on the open burn permit are binding and enforceable as if contained in this Section and the permit shall be made available by the permittee to any interested party at the location of the burn.

Any persons conducting an open burn shall immediately extinguish the burning material when ordered to do so by the Fire Chief, his designee, or a Thermopolis Police Officer; and the applicable burn permit, if issued, would by such order be revoked.

All open burning shall take place on private property unless the Fire Chief or his designee approves another location and specifies that location, in writing, on the applicable burn permit.

Any person, firm, or corporation who violates any provision of this Section, shall be deemed guilty of a misdemeanor and punishable as provided in Section 6-104 of the Thermopolis Town Code. (Ord. No. 573, 5/15/80, 2, Ord. No. 773, 1/1/04)

Sec. 14-509. Town to collect garbage and refuse.

The Town shall have direct supervision of the removal and disposal of all garbage and refuse under the requirements of this Article. Collection of garbage and refuse in the business district shall be not less than bi-weekly, or as deemed necessary. Collection of garbage and refuse in all other areas of the Town of Thermopolis shall be not less than once a week. Garbage and refuse shall be made properly available to be so picked up. (Ord. No. 460, 2/3/64, 11, Ord. No. 772, 8/19/2003)

Sec. 14-510. Responsibility of owners, etc., to remove certain garbage or refuse.

The owners or persons responsible for certain trash and refuse shall not permit any unnecessary accumulation thereof, and shall be held responsible for its immediate removal to the Town sanitary landfill as follows:

(a) Refuse from Business Establishments: Discarded automobile parts, stoves, furniture, wool, hides, furs, junk yard refuse, packing or slaughter house refuse, and tire shop refuse shall be removed from their respective establishments by the proprietors so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed to the Town sanitary landfill by the establishment creating such deposits. Any accumulation of refuse that is highly explosive or flammable which might endanger life or property shall be removed to such place as approved by the

Chief of the Fire Department; such removal to be handled by the establishment responsible therefore.

(b) Billboard Refuse: Refuse from billboards shall be removed to the Town sanitary landfill by the licensed bill poster.

(c) Decoration Refuse: Christmas tree vendors and professional decorators shall move all refuse coincident with their profession.

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

(e) Building Materials: All plaster, broken concrete, stone, wood, roofing materials, wire or metal binding, sacks or loosely discarded or unused materials of all kinds, resulting from the wrecking, construction or reconstruction of any room, basement, wall, fence, sidewalk or building, shall be promptly removed or stored in such manner as not to be scattered about by wind or otherwise, and as soon as possible removed by the person responsible for said work, and is not at any time to be allowed to accumulate in such manner as to be unsightly. Such person shall be held liable for any scattering of such refuse upon adjacent property, or allowing unsightly accumulation to exist.

(f) Dead Animals: It shall be the duty of every person, being the owner of or having in his possession or charge, any animal which shall in any manner come to its death within the Town, to immediately remove the body or carcass of such animal to the Town sanitary landfill, and to bury the same under three feet of ground. Provided, however, that pets may be disposed of in a manner agreeable to the Chief of Police.

(g) All Other Refuse: All other refuse which may be classed as a regular accumulation of waste resulting from a factory, warehouse, trade or other industry, shall be removed to the Town sanitary landfill by those responsible therefore. Persons, entities or organizations performing lawn care services or housecleaning services shall not come within the meaning of a "trade or other industry" of this Section (Ord. No. 460, 3/4/64, 12, Ord. No. 793 5/16/06)

Sec. 14-511. Sanitary landfill -- Garbage and refuse to be deposited therein.³⁸

Except as herein otherwise provided, any person collecting, removing and disposing of garbage, refuse or ashes is hereby required to deposit the same upon the sanitary landfill

³⁸ As to authority of municipalities to establish a sanitary landfill and regulate its use, see Wyo. Stat. §15-1-103(a)(xxi).

of the Town, and shall haul the same to such place without scattering and deposit the same thereon by direction of the Town. (Ord. No. 592, 11/3/81, 1)

Sec. 14-512. Same -- Garbage and refuse in transit.

While transporting garbage or refuse to the Town's sanitary landfill, it shall be unlawful to allow such garbage or refuse to fall or blow from the transporting vehicle. Garbage and refuse in transit should be effectively covered. (Ord. No. 592, 11/3/81, 2)

Sec. 14-513. Garbage canisters -- Unlawful to place cement, etc. therein.

It shall be unlawful to place cement, large engine parts, building materials, tree branches, or other heavy materials in the garbage canisters. (Ord. No. 592, 11/3/81, 6)

Sec. 14-514. Same -- Unlawful to prevent easy access thereto.

It shall be unlawful to park or place vehicles, boats, trailers or similar obstacles so as to prevent easy access to the garbage canisters by users and by the Town's collection trucks. (Ord. No. 592, 11/3/81)

Sec. 14-515. Same -- User abuse and cost of replacement.

Users whose abuse of garbage canisters has contributed to the necessity of replacement canisters shall pay up to the cost of such replacement. (Ord. No. 592, 11/3/81, 8)

Sec. 14-516. Same -- Additional canisters.

Users who require more than the usual or normal number of canisters for their type of use may be required to pay up to one-half the cost of additional canisters and a higher fee for collection. (Ord. No. 592, 11/3/81, 9).

ARTICLE VI. WATER, WASTEWATER AND SANITATION CHARGES.

Sec. 14-601. Monthly charge for water delivery.

(a) Governing rates of water may be adjusted by resolution or ordinance for all customers, including Towns and Districts. (Ord. No. 831 05/15/2012, 1)

(b) The governing body of the Town of Thermopolis is hereby authorized to increase or decrease rates by no more than five percent (5%) on an annual basis or other basis as may be determined necessary by resolution. (Ord. No. 831 05/15/2012, 2)

(c) Increases or decreases by more than five percent (5%) shall be by ordinance.
(Ord. No. 831 05/15/2012, 3)

(d) Definitions:

(i) A "single unit" is a property which uses potable water and is not subject to a multiple unit or tier rate.

(ii) "Multiple units" are properties which consist of several single units, including but not limited to, trailer court spaces, apartments, potable water districts and the Town of East Thermopolis. Multiple units are not calculated for Hot Springs County Memorial Hospital, State of Wyoming Pioneer Home and Thermopolis Rehabilitation Center.

(iii) A "unit rate" is an amount charged per unit.

(iv) A "water use rate" is an amount charged per 1,000 gallons of water.

(v) A "tier rate" is an amount assessed against any single unit which uses 800,000 or more gallons per month, not including potable water districts and the Town of East Thermopolis.

(Ord. No. 841 11/3/2015, 2)

(e) Unit Rates:

(i) A single unit rate per month shall be as established by resolution or ordinance.

(ii) A multiple unit rate per month shall be as established by resolution or ordinance per single unit rented or leased.

(iii) Occupancy of multiple units will be determined and charged or assessed based on current data held by the Town, subject to notice from the owner regarding occupancy and vacancy of the property. Multiple unit owners, potable water districts and the Town of East Thermopolis shall report to the Town Clerk occupied units (each month or part thereof) semi-annually commencing on or before January 1 and on or before July 1 of each year. The Town will use that occupancy number for succeeding six months.

(iv) The Town shall have the right to inspect the premises of water users from time to time and audit the records, upon notice, of the owner or manager.

(Ord. No. 841 11/03/2015, 3)

(f) Water Use Rates. Water use rates are established by resolution as follows:

(i) A minimum charge for the first 1,000 gallons.

(ii) A charge per 1,000 gallons up to 799,999 gallons.

(iii) A charge per 1,000 gallons from 800,000 to 1,499,999 gallons.

(iv) A charge per 1,000 gallons in excess of 1,500,000 gallons.

(v) A charge per 1,000 gallons for potable water from the water salesman and hydrant.

(Ord. No. 841 11/03/2015, 4)

(g) Monthly charge is no longer based on tap size.

(h) The monthly charge for water delivered for use in East Thermopolis, the South Thermopolis Water and Sewer District, Red Lane Water Domestic Water Inc., the Lucerne Water District, and the Monument Hill Cemetery District shall be as set by contract with each entity. (Ord. No. 753, 5/1/01, Ord. No. 770, 8/1/03, Ord. No. 794, 9/1/06)

(i) The monthly charge for water delivered to each residential dwelling unit and/or business outside the corporate limits of the Town shall be established by resolution or ordinance. (Ord. No. 753, 5/1/01, Ord. No. 770, 8/1/03, Ord. No. 794, 9/1/06)

(j) A schedule of rates is available from the Town Clerk.

(k) Any provision of the Town Code or Town Ordinances now in effect which are in conflict herewith are hereby deemed repealed and/or amended accordingly as the case may be. (Ordinance No. 841 11/03/2015, 6)

(e) It shall be unlawful to falsely report to the Town occupancy and/or vacancy units by owners or managers of non-single units or multiple units and upon conviction thereof shall be fined up to \$750.00 per false report, together with appropriate costs. (Ordinance No. 841 11/03/2015, 7)

Sec. 14-602 Monthly charge for collection and treatment of wastewater.

(a) Governing rates of wastewater may be adjusted by resolution or ordinance. (Ord. No. 831 05/15/2012, 1)

(b) The governing body of the Town of Thermopolis is hereby authorized to increase or decrease rates by no more than five percent (5%) on an annual basis or other basis as may be determined necessary by resolution. (Ord. No. 831 05/15/2012, 2)

(c) Increases or decreases by more than five percent (5%) shall be by ordinance. (Ord. No. 831 05/15/2012, 3)

(d) The wastewater charges for commercial or nonresidential users outside the corporate limits of Thermopolis shall be the same factor/multiplier multiplied by the charge to the residential user outside the corporate limits of Thermopolis. Each month, all residential and commercial users will also be charged an amount as established by resolution per thousand gallons of treated water used based on an average of the monthly treated water usage in the preceding months of December, January, and February, with a minimum charge per month to be established by resolution. (Ord. No. 824 04/05/2011, 1; (Ord. No. 831 05/15/2012, 1)

(e) In addition to the wastewater usage charge, within the corporate limits of Thermopolis and East Thermopolis, the base rate for residential units shall be as set by resolution or ordinance. (Ord. No. 824 04/05/2011, 1; (Ord. No. 831 05/15/2012, 1)

(f) In addition to the wastewater usage charge, outside the corporate limits of Thermopolis and East Thermopolis, the base rate for residential units shall be as set by resolution. (Ord. No. 824 04/05/2011, 1; (Ord. No. 831 05/15/2012, 1)

(g) The base rate for commercial users will be a multiplier of the residential in-town or out-of-town base sewer rates found in the schedule on file with the Town Clerk. (Ord. No. 824 04/05/2011, 1)

(h) New utility accounts without a history of treated water usage during the months of December, January, and February, will be charged to the city wide average of 4,000 gallons for a monthly wastewater usage charge, until an average usage history has been established. (Ord. No. 824 04/05/2011, 1)

(i) A schedule of rates is on file with the Town Clerk. (Ord. No. 824 04/05/2011, 1)

Sec. 14-603. Monthly charge for sanitation service.

(a) Governing rates of solid waste collection of residential and commercial users may be adjusted by resolution or ordinance. (Ord. No. 831 05/15/2012, 1)

(b) The governing body of the Town of Thermopolis is hereby authorized to increase or decrease rates by no more than five percent (5%) on an annual basis or other basis as may be determined necessary by resolution. (Ord. No. 831 05/15/2012, 2)

(c) Increases or decreases by more than five percent (5%) shall be by ordinance. (Ord. No. 831 05/15/2012, 3)

(d) A fee per month as set by resolution shall be charged to all businesses within the corporate limits of the Town who haul their own solid waste to the Town's landfill.

(e) When the Town has to manually load a canister with commercial solid waste which has been piled adjacent to a canister three times in one month, the Town shall provide an additional canister at that location and charge according to resolution. (Ord. No. 795, 8/1/06)

(f) Part-time businesses and Home Occupations shall be charged the minimum sanitation rate according to resolution. Part-time businesses and Home Occupations as defined in Chapter 15 of the Town Code shall not be charged a residential sanitation rate in addition to the commercial fee as herein provided. (Ord. No. 759, 5/1/02, Ord. No. 795, 8/1/06)

(g) A schedule of rates is on file with the Town Clerk. (Ord. No. 824 04/05/2011, 1)

Sec. 14-604. Minimum monthly charge for water and wastewater treatment and sanitation service.

(a) A minimum monthly charge for water and wastewater treatment shall be due and paid for each dwelling unit and business unit which contains separate plumbing facilities, either for cooking or sanitation, within the unit itself.

(b) Every business and dwelling unit upon the premises shall be charged a monthly minimum for sanitation. (Ord. No. 612, 3/20/84, 8)

(c) A capital improvement surcharge of Five Dollars (\$5.00) per month will be assessed on each utility customer of the Town services of water or wastewater treatment or sanitation. There will be only one capital improvement surcharge on each location or service regardless of which service is being provided. (Ord. No. 755, 1/1/02)

Sec. 14-605. Monthly statement of charges -- Penalty for delinquent accounts.

The Town shall submit monthly to the owner of property furnished water, sewer, or sanitation services a statement of charges for such services. All bills due and owing to the

Town for such services the first day of any month and remaining unpaid after the 15th day of the succeeding month are hereby declared delinquent, and a penalty of 1¾% of the amount of such bill (21% annually) shall be added thereto and become a part of such bill. (Ord. No. 612, 3/20/84, 9)

Sec. 14-606. Property owner liable for charges.

The owner of the property furnished water, sewer, or sanitation by the Town shall be liable for the utility charges incurred for such property; therefore, liability shall be imposed on the owner of the property for charges incurred by his tenants or agents. (Ord. No. 612, 3/20/84, 10)

Sec. 14-607. Unpaid bills lien on premises.

Until paid, all utility bills shall constitute a perpetual lien against the property for which such indebtedness is or has been incurred and any such lien may be foreclosed in the manner as provided by statute for the foreclosure of mechanic's liens. (Ord. No. 612, 3/20/84, 11)

Sec. 14-608. Temporary water service to contractor.

Upon application to the Clerk, a contractor may obtain temporary water service during construction. Such contractor shall provide at his expense a water meter in accordance with the specifications of the Town building inspection department. Permanent water service shall not be provided until the temporary water account of such contractor is fully paid. (Ord. No. 612, 3/20/84, 12)

Sec. 14-609. Town's remedies upon failure to pay.

(a) Should any property owner fail to pay the service charges and penalties for water, wastewater, and sanitation within one (1) month of the due date, the Town may shut off water and wastewater service of such delinquent customer and the Town may refuse to renew such service or to furnish such service at any other place to which the customer might move until all indebtedness, together with a penalty to cover shut-off and reconnection expense, and a deposit, the amount of both penalty and deposit shall be set by the governing body by resolution, has been paid.

(b) The fee charged for shutting off or reconnecting water service shall be set by the Governing body by resolution. (Ord. No. 717, 3/5/96, 1,2)

Sec. 14-610. Fees.

(a) **Construction Demolition Trash** shall include but not be limited to that trash hauled by the owner of the trash or by private agreement or through a for hiring arrangement of construction or demolition trash for deposit in the landfill, which shall include, but not be limited to, part or all of buildings, houses, garages, sheds, apartments, roof and roof materials such as shingles, windows, concrete and the refuse created by the demolition for part or all of said structures, not including tree limbs, branches and bushes. (Ord. 844 10/04/2016, 1)

(b) **Commercial, industrial and construction** trash and non-hazardous liquid waste haulers of materials for deposit in the municipal landfill site shall pay a fee to the Town Clerk. Debris hauled on a truck or trailer with a level box capacity (struck capacity with end gate closed), including configuration modifications, i.e.; sideboards, bed extensions, bulkheads, shall be charged a fee per trip based on the struck capacity of that truck or trailer, regardless of the actual amount of debris hauled, of an amount established by resolution per cubic yard, or any part thereof. (Ord. No. 796 8/1/06, Ordinance No. 855 08/06/2019, 1).

(c) **Tires.** Except as re-established by resolution, tires hauled to the landfill shall be deposited as directed by appropriate signage. Tires from passenger cars and trucks up to including one ton shall be charged \$3.00 per tire. Any tire from a vehicle over one ton rated pickup shall be charged \$5.00 per tire; semi-truck tires shall be charged \$10.00 and \$15.00 per tractor tire shall be charged. (Ord. 844 10/04/2016, 2)

(d) **Process and Procedure for Permit and Payment.** The governing body is hereby authorized to enact by resolution a process for establishing permits for that trash identified in subparagraph (a) and subparagraph (b) by creating a permit system and collection point, payment and receipt of funds. (Ord. 844 10/04/2016, 3)

(e) **Dumpsters and Elsewhere.** No tires shall be deposited in Town dumpsters or left abandoned in the Town. (Ord. 844 10/04/2016, 4)

(f) **Penalty for Violation.** Any person, firm or company which is convicted of violating this Ordinance by delivering and/or depositing tires in the landfill or dumpsters or abandoned in the Town without paying for the appropriate permit in advance shall be deemed guilty of misdemeanor and subject to a fine of \$750.00 and court costs. (Ord. 844 10/04/2016, 5)

Sec. 14-611. Non-hazardous liquid waste.

Non-hazardous liquid waste dumping of normal household wastes shall not exceed five gallons per vehicle trip. The fee shall be as established by resolution for any amount of non-hazardous liquid waste dumped to and including the five (5) gallon maximum. (Ord. No. 727, 2/17/98, 2)

Sec. 14-612. Sump pit waste.

Not allowed.

Sec. 14-613. Combination hauling units.

Truck and trailer combination units and multiple trailer units shall be charged for each unit laden with debris or waste deposited per trip at the landfill site. (Ord. No 727, 2/17/98, 4)

Sec. 14-614. Contaminated material.

Contaminated materials, as allowed and permitted by applicable rule, regulation or order from the Department of Environmental Quality, Environmental Protection Agency, Bureau of Land Management or other applicable regulatory agency having jurisdiction, deposited at the landfill site shall be charged a fee as determined by the Town Council by resolution. (Ord. No. 727, 2/17/98, 5)

Sec. 14-615. Fee determination.

The municipal landfill operator shall make a determination of fee for all materials deposited at the landfill site. Determination of fees may be appealed to the Town Council at their next regularly scheduled meeting following the initial fee determination by the landfill operator. The Town Council shall require the person(s) filing such an appeal to provide all evidence and information to substantiate their claim. The Town Council may increase landfill fees, on a case by case basis, if landfill operations have to be changed substantially or additional operations are required to accommodate the nature and type of materials deposited or if different methods of operation are required to accommodate the materials deposited. (Ord. No. 727, 2/17/98, 6)

Sec. 14-616. Jurisdiction and authorization.

The Wyoming Department of Environmental Quality-Solid and Hazardous Waste Division has authority and charge to regulate solid waste landfills in the State of Wyoming. The Town maintains a permit through that agency for the municipal landfill and hereby adopts the design and operating conditions contained in the most current permit as the operating plan. Only those wastes allowed by the permit or authorized in writing by the DEQ-SHWD will be considered to be accepted for disposal at the landfill. The Town

hereby reserves the right to further restrict the wastes accepted at the landfill and may enact more stringent rules relating to the landfill to protect the health and safety of the public and Town employees. (Ord. No. 727, 2/17/98, 7)

Sec. 14-617. Wastewater station dump station rates.

(a) Except as modified by resolution the rate for disposal of waste at the dump station at the Thermopolis Wastewater Plant for recreational vehicle holding tanks shall be \$5.00. (Ord. No. 833 12/03/2013, 1)

(b) The Town of Thermopolis Wastewater Treatment Plant shall not accept liquid and/or semi-solid waste other than directly from recreational vehicles and shall reject disposal of all other liquid/semi-solid waste arising within or without the Town of Thermopolis. (Ord. No. 833 12/03/2013, 2).

Sec. 14-618. Negotiation of fees.

The governing body may negotiate the required fees on a case by case basis in the event of fire, flood, spill or other disaster which necessitates an unusual or unanticipated amount of materials to be hauled and dumped at the sanitary landfill. (Ord. No. 663, 2/21/89, 7)

CHAPTER 15.
ZONING³⁹

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- § 15-102. Relationship to other laws.
- § 15-103. Severability.
- § 15-104. Burden of proof.
- § 15-105. Amendments.
- § 15-106. Definitions.
 - . Illustration of Lot Terms, SEE APPENDIX E.
(Table I has been deleted from this Code)
(Table II has been deleted from this Code)

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³⁹ As to municipal planning and zoning authority see Articles 5 and 6 of Chapter 1, Title 15 of the Wyoming Statutes

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ARTICLE I. IN GENERAL.

Sec. 15-101. Scope of Chapter.

No building or structure shall be erected, constructed, reconstructed, repaired, structurally altered, or moved, and no building, structure, or land shall be used or occupied except in compliance with the standards set forth in this Chapter. (Ord. No. 571, 2/21/80)

Sec. 15-102. Relationship to other laws.

If State or Federal law or regulations or Town Ordinances impose additional or duplicative standards on developments regulated by this Chapter, the more restrictive standard shall be met by the development. (Ord. No. 571, 2/21/80, 1-2)

Sec. 15-103. Severability.

If any portion of this Chapter or its application to specific circumstances shall be held invalid by a court of competent jurisdiction, the remainder of the Chapter and its application to other circumstances shall be unaffected. (Ord. No. 571, 2/21/80, 1-3)

Sec. 15-104. Burden of proof.

The burden of proof shall, in all proceedings pursuant to this Chapter, rest with the developer, applicant, or appellant. (Ord. No. 571, 2/21/80, 1-4)

Sec. 15-105. Amendments.

(a) Amendments to this Chapter shall be made as specified in Wyo. Stat. §15-1-603. Amendments may be made at any time by the Governing Body by ordinance on its own motion, upon recommendation from the Planning Commission, or upon signed petition of any interested person or persons. All proposed amendments shall be referred to the Planning Commission for study and recommendation.

(b) The zoning of new additions is an amendment to the official zoning district map and the public hearing on this kind of amendment will normally be combined with the public hearing required for subdivision, if applicable. Petitions for annexation shall be accompanied by a written request for a zoning designation for the proposed addition.

(c) Zone changes must have approval of a three-fourths majority of the Town Council if the owners of 20% or more of the property included within the proposed change or within 140 feet of its boundaries (excluding the width of streets or alleys) sign a protest. (Ord. No. 598, 9/20/82, 8)

Sec. 15-106. Definitions.

For the purposes of this Chapter, the following words or phrases shall have the meaning respectively ascribed to them herein. Certain specialized definitions will be found in the Sections relating to their application. Words used in the singular include the plural and the plural, singular. Words used in the masculine gender include the feminine and the feminine, masculine. Where words or phrases are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

(a) Accessory buildings and/or uses -- a subordinate use, building, structure that:

(i) Is clearly incidental to the use of the principal building, structure or land use.

(ii) Is customary in connection with the principal building, structure or land use.

(iii) Is ordinarily located on the same lot as the principal building, structure or land use.

(iv) May include, but is not limited to the following:

- (1) Private kennels and dog houses.
- (2) Signs permitted by Article VII.
- (3) Off-street parking and loading areas as required by Article VI.
- (4) Fences as permitted by Article XI.
- (5) Private greenhouses.
- (6) Private swimming pools.
- (7) Storage of merchandise in commercial and industrial districts.
- (8) Fallout shelters.
- (9) Cultivation, storage and sale of crops, vegetables, plants, and flowers produced on the premises.
- (10) For an industrial or commercial use, one dwelling unit for occupancy by the owner or a manager or watchperson.
- (11) Antenna for television or radio reception.
- (12) Private garages and storage sheds for household items or lawn and garden tools.

(b) Adequate -- Many planning considerations involve case-by-case analysis of proposed developments which identifies unique opportunities for, and limitations on, particular developments. A realistic planning program cannot anticipate all of these individual opportunities or limitations and must retain a great deal of flexibility for dealing with them. Use of the term "adequate" recognizes this fact and is intended to allow the

Town to deal with the many functional, service, environmental, and aesthetic aspects of developments that can be anticipated only by general policy statements or performance standards.

(c) Apartment house/complex -- A structure or structures consisting of three or more independent, rental dwelling units. Regulated as a "high density residential use."

(d) Board -- The Town's duly appointed Board of Adjustment/Appeals. The Board of Adjustment/Appeals shall be appointed in accordance with W.S. § 15-1-605 and serve in accordance with W.S. § 15-1-606 through § 15-1-608. All references in the Thermopolis Town Code to "Board", "Board of Adjustment" and/or "Board of Appeals" shall refer to the Board of Adjustment/Appeals. The Board shall be appointed as per Wyoming Statutes and serve both Adjustment and Appeals functions. Appeals from the Board of Adjustment/Appeals shall be taken and reviewed according to W.S. § 15-1-609 unless the Thermopolis Town Code sets forth more specific appellate procedures.⁴⁰ (Ord. No. 815, 5/1/08)

(e) Building -- Any structure used or intended for supporting or sheltering any use or occupancy. (See structure).

(f) Building height -- Measured to the point of the roof line as provided by the IBC; antenna, roof belvederes, monitors, chimneys, and vents may extend beyond the roof line. (Ord. No. 598, 9/28/82, 3)

(g) Building Official -- The officer or other designated authority charged with the administration or enforcement of the Ordinance or a duly authorized representative.

(h) Building permit -- A permit issued by the Building Official and intended to assure compliance with the Town's building codes and, for use-by-right, with this Chapter.

(i) Certificate of occupancy -- A certificate issued by the Building Official upon completion of a development's construction or reconstruction or upon a change in occupancy or use certifying that the development or change complies with this Chapter and other applicable Ordinances. The development or new occupancy may not be occupied or operated prior to the issuance of a certificate of occupancy.

(j) Commission -- The Town's duly appointed Planning and Zoning Commission.⁴¹

⁴⁰ As to authority of municipalities to appoint a board of adjustment, see Wyo. Stat. §15-1-605.

⁴¹ As to authority of municipalities to appoint a planning and zoning commission, see Wyo. Stat. §§15-1-502 and 15-1-604.

(k) Conditional use permit -- A permit granted by the Town Planning Commission for a use not allowed as a right in a district and specifically described as an allowable conditional use in the district. Such permit is to be granted in accordance with the conditional use review process.

(l) Condominium -- A structure or structures consisting of independent dwelling units offered for sale. Time sharing or later rental does not affect this definition. It is a subdivision.

(m) Council -- The Town's duly elected Governing Body.

(n) Density -- The number of dwelling units per acre calculated by dividing the acreage of a parcel, excluding the area of streets, by the number of dwelling units.

(o) Development -- A general term referring to any proposed use, occupancy, building, or structure regulated by this Chapter.

(p) District -- A zoning district established in this Chapter. For certain purposes, general terms may be used to refer to several similar districts. The term "residential" refers to the RE, LDR, MDR, GR, and RVD districts. The terms "commercial" refers to the HBD and CBD districts.

(q) Dwelling, Single-Family -- See "Single-Family Dwelling."

(r) Dwelling, Two-Family -- See "Two-Family Dwelling."

(s) Dwelling, Multiple -- See "Apartment House."

(t) Dwelling Unit -- Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the adopted Town Building Code for not more than one family.

(u) Duplex -- See "Two-Family Dwelling."

(v) Family -- An individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

(w) Floor area -- The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vents, shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls shall be usable area under the horizontal projection of the roof or floor above.

(x) Floor area ratio -- The ratio of the floor area of a building, including all levels or stories, to its total site, computed by dividing the floor area of said building including accessory buildings within the area of the building site, by the site area.

(y) High density residential use -- Apartment houses or complexes, townhouses or row houses, and condominiums.

(z) Home occupations -- Defined by the Home Occupation Performance Standards.

(aa) Impervious cover -- Includes all rooftops, sidewalks, driveways, and other on-site improvements that are incapable of being penetrated by rainfall, snowmelt, or drainage. (Ord No. 598, 9/20/82, 4)

(bb) Industry -- Industrial uses include the processing of agricultural, timber, or minerals commodities or products and the production, fabrication or assemble of manufactured items.

(cc) Institutions -- Includes churches, private schools, museums and galleries, and similar uses. It does not include primary health care facilities.

(dd) Light manufacturing -- The production, fabrication, or assembly of commodities or items in a usually controlled operation which is relatively clean, quiet, and free of objectionable nuisances such as dust, noise, or smoke. Little industrial traffic is usually generated.

(ee) Lot -- A lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as required. (Ord. No. 598, 9/20/82, 5)

(ff) Lot area -- The square footage of a lot.

(gg) Lot coverage -- The ground level coverage of a building or structure and of all impervious surfaces, such as sidewalks or driveways, measured by their gross outside dimensions at ground level.

(hh) Lot width -- The distance between side lot lines, measured along the setback line as established by this ordinance, or if no setback line is established, the distance between the side lot lines measured along the street line.

(ii) Mobile home -- A factory assembled movable dwelling over 45 (forty-five) feet in length and 8 (eight) feet in width, designed and constructed to be towed on, and

permanently supported from, its own chassis. They may include 1 (one) or more components which can be retracted for towing and subsequently expanded for additional floor area, or 2 (two) or more units separately towable but designed to be joined into 1 (one) single unit. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For mobile homes built prior to June 15, 1976, a label certifying compliance to Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture shall be attached. Mobile homes may also be referred to as "Manufactured Home". (Ord. No. 693, 1/29/93, 2)

(jj) Mobile home park -- A parcel, or contiguous parcel, of land under one ownership which has been improved so that it contains two or more mobile home lots for residential use. Normally, the lots or spaces are rented, which distinguishes the "mobile home park" from the "mobile home subdivision." Rental is not, however, necessary to the application of this definition and of regulations subsequent to it.

(kk) Mobile home subdivision -- A parcel of land subdivided pursuant to the Town's subdivision regulations, principally designed and with the requisite improvements for occupancy by mobile homes on lots.

(ll) Modular home -- Any prefabricated, factory built structure of conventional construction which conforms to all provisions of the IBC, is designed and built on an off-site location, transported to a site on a separate trailer, placed on a permanent foundation, and attached to such foundation. This definition does not include double wide mobile homes. Modular homes are to be considered single-family dwellings under the provisions of this Chapter.

(mm) Neighborhood convenience business -- An establishment selling basic grocery or sundry items or oriented to the service of a particular neighborhood of the Town. It is not automobile oriented and does not sell gasoline. It does meet compatibility performance standards for residential districts.

(nn) Nonconforming use -- Defined in Article IV of this Chapter regulating such uses.

(oo) Nursing home -- A residential care facility for the elderly, infirm or disabled. Not primarily a mental health care facility or a hospital.

(pp) Occupancy -- A general term referring to the particular use of a building, structure, or lot. Occupancy may be changed (a shoe store changing to sporting goods) without structural changes. Changes in occupancy are regulated by this Chapter.

(qq) Permanent foundation -- A masonry, concrete or other substructure meeting the requirements of the adopted building code of the Town.

(rr) Public recreational facilities -- Includes non-fee facilities operated by the public, such as neighborhood parks or ball diamonds.

(ss) Quasi-public uses -- Includes utility substations and other public facilities or installation necessary to serve the neighborhood or area where they are located, and recreational facilities.

(tt) Rooming house -- An establishment offering rooms and meals for rent on a weekly or monthly basis, customarily housed in a large single-family dwelling. Not a motel or hotel.

(uu) Row house -- See "Townhouse."

(vv) Site plan -- A scale drawing showing the location of property lines and proposed improvements as required by this Chapter.

(ww) Single family dwelling -- A detached structure designed and intended for occupancy by a family. This term does not include the use of mobile homes on lots except in the MDR, GR and RVD zones.

(xx) Solar collector -- One of the following which is capable of collecting, storing, or transmitting at least 25,000 BTU's of solar energy on a clear winter solstice day:

(i) A wall, clearstory or skylight window designed to transmit solar energy into a structure for heating purposes;

(ii) A greenhouse attached to another structure and designed to provide part of the heating for the structure to which it is attached;

(iii) A Trombe wall, "drum wall" or other wall or roof structural element designed to collect and transmit solar energy into a structure;

(iv) A photovoltaic collector designed to convert solar energy into electric energy;

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

(vi) A massive structural element designed to collect solar energy and transmit it to internal spaces for heating. (Ord. No. 598, 9/20/82, 7)

(yy) 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 fall directly on the collector. The extent of the solar right shall be described by the path of the sun on the winter solstice day which is put to beneficial use or is otherwise limited by this Chapter or State law.

(zz) Structure -- A structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(aaa) Subdivision -- As defined in Section 13-110 (k) herein. Includes condominiums and townhouses.

(bbb) Supply yards -- A commercial establishment storing and offering for sale building supplies, steel supplies, pipeline supplies, coal, heavy equipment, feed and grain, and similar goods.

(ccc) Town -- The Town of Thermopolis, Wyoming.

(ddd) Townhouse -- An attached series of independent dwelling units offered for sale. Is a subdivision and "high density residential use." "Row house" is synonymous.

(eee) Two family dwelling -- A detached structure designed for essentially independent occupancy by two single nuclear or extended family or other living groups. Synonymous with "duplex."

(fff) Use -- A general term referring to existing or proposed land uses, buildings, or structures.

(ggg) Use-by-right -- A use permitted pursuant to a building permit and certificate of occupancy, both issued by the Building Official. Standards for uses-by-right are established for each district in Article II of this Chapter.

(hhh) Variance -- A special legal device described in Wyo. Stat. 15-1-608 by which the strict application of the various standards of this Chapter may be suspended on a particular parcel of land. (Ord. No. 571, 2/21/80, Chapter 2)

(iii) Yard -- An open, unoccupied space, other than a court, unobstructed from the ground to the sky, on the lot which a building is situated. (See Appendix E)

(jjj) Yard front -- A yard extending from the front lot line adjoining a public street to the front of the building between side lot lines.

(kkk) Yard rear -- A yard extending from the rear of the building between the side lot lines to the rear lot line. (Ord. No. 674, 7/12/90, 2)

(lll) Yard side -- A yard extending from the rear line of the required front yard to the front line of the required rear yard between the building and the side lot line. (Ord. No. 674, 7/12/90, 2)

(mmm) Group home -- Group Home shall be defined as a facility operated by nonprofit community health and welfare service organizations for residential and "family-line" purposes (not to exceed eight (8) residents and two (2) staff). (Ord. No. 679, 9/28/90, 7)

(nnn) Recreational Vehicle -- A camping trailer, travel trailer, motor home and truck camper as each are herein defined, and are sometimes herein referred to as Recreational Vehicle:

A. Camping Trailer -- A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide living quarters for recreational, camping or travel use not exceeding 45 feet in body length.

B. Travel Trailer -- A vehicular unit, mounted on wheels, designed to provide living quarters for recreational, camping or travel use, that does not exceed 45 feet in body length.

C. Motor Home -- A vehicular unit designed to provide living quarters for recreation, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the complete vehicle that does not exceed 45 feet in body length.

D. Truck Camper -- A portable unit constructed to provide living quarters for recreational travel or camping use consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a truck type vehicle with the total unit length not exceeding 45 feet. (Ord. No. 693, 1/29/93, 1)

(ooo) Permanent Dwelling or Permanent Place of Business -- Any unit used as dwelling or business occupancy over 5 (five) days in any one month or over 30 (thirty) days in any one calendar year. (Ord. No. 693, 1/29/93, 4)

(ppp) Gaming Establishment -- Any structure, building, room, enclosure, vehicle, vessel, location or other place, whether open or enclosed and containing one or more gaming device(s) used or intended to be used for gaming.

(qqq) Gaming -- Risking any property for gain contingent in whole or in part upon lot, chance, the operation of a gaming device or the happening or outcome of an event, including a sporting event, over which the person taking the risk has no control. (Ord. No. 707, 11/1/94, 1)

(rrr) Gaming Device -- Any device, table, machine, paraphernalia or equipment used in the act of gaming. (Ord. No. 707, 11/1/94, 1)

(sss) Gaming Assessment Certificate -- A current, properly issued certificate signed by the Town Clerk and containing the number of gaming devices allowed by the certificate and documenting the location of the gaming establishment by address and lot, block and subdivision. (Ord. No. 707, 11/1/94, 1)

(ttt) Carport -- A roofed structure entirely open on two or more sides, used for the storage of private or pleasure-type vehicles and is usually formed by extension of the roof from the side of another building or may be a free-standing accessory building, not attached to another building, and except for structural supports entirely open on two or more sides. (Ord. No. 710, 9/3/95, 1)

(uuu) Manufactured Portable Carport -- A detached factory manufactured accessory building customarily used as a carport. The manufactured portable carport can be moved without disassembly, after removal of tie-down provisions intended to compensate for wind displacement, no more than 12 feet in height at any point nor providing more than 250 square feet of projected roof area and except for structural supports, entirely open on two or more sides. (Ord. No. 710, 9/3/95, 1)

(vvv) Private Garage. -- An accessory building or a portion of a building in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. (Ord. No. 710, 9/3/95, 1)

(www) Bed-and-Breakfast Facility -- A private home which is used to provide temporary accommodations for a charge to the public with not more than four (4) lodging units or not more than a daily average of eight (8) persons per night during any thirty (30) day period and in which no more than two (2) family style meals are provided per twenty four (24) hour period. (Ord. No. 704, 6/21/94, 1)

(xxx) Bed-and-Breakfast Inn -- A home atmosphere which is used to provide limited lodging, temporary overnight accommodations for paying guests for five (5) or more lodging units, or not more than eight (8) persons per night during any thirty (30) day period, and in which meals are served to lodging guests. A Bed-and-Breakfast Inn is a land use, with the optional provision of residential use by the owner/operator, and shall only be allowed within a designated Business District. A Bed-and-Breakfast Inn is distinguished

from a hotel or motel operation by its size and more personal atmosphere with limited services. (Ord. No. 704, 6/21/94, 1)

(yyy) Lodging Unit -- A room with one (1) or more beds, bunks or other facilities for sleeping purposes for an unspecified number of persons. (Ord. No. 704, 6/21/94, 1)

(zzz) Temporary Accommodations -- Limited time accommodations intended for travelers or those on vacation and shall not exceed thirty (30) consecutive nights in duration. (Ord. No. 704, 6/21/94, 1)

ARTICLE II. DISTRICTS.

Sec. 15-201. Establishment -- official map; boundaries.⁴²

(a) The “Zoning District Map of the Town of Thermopolis, Wyoming” dated July 29, 1986, and any additions thereto, shall be updated to reflect the rezoning of the undeveloped area of nonconforming uses on the west side of 14th Street of Thermopolis from Broadway to 500 South 14th Street consisting of the Blocks 2, 3, 4 and 5 of the Hillberry Addition to the Town of Thermopolis from (LDR) Low Density Residential District to (MDR) Medium Density Residential District. (Ord. No. 820 04/20/10, 2)

(b) The Town may be divided into the following zoning districts, the boundaries and extent of which shall be shown on an official zoning map identified by the signature of the mayor, attested by the Town Clerk, and bearing the seal of the Town.

- (i) Residential Estate District (RE)
- (ii) Low Density Residential District (LDR)
- (iii) Medium Density Residential District (MDR)
- (iv) General Residential District (GR)
- (v) Redevelopment District (RDV)
- (vi) Central Business District (CBD)
- (vii) Highway Business District (HBD)
- (viii) Industrial District (I)
- (ix) Agricultural District (A)
- (x) Open Space District (O)
- (xi) State Park District (SP)

⁴² Some districts have been established for possible future use and are not currently mapped. Each district has a distinct planning purpose which is described in the following sections. In each zone there may be uses-by-right and standards for them and conditional uses. The review of uses-by-right is conducted by the Building Official, that of conditional uses by the Commission. The differing review procedures are set forth in the procedural Article of this Chapter.

(c) Unless otherwise defined on the zoning district map, district boundaries are platted lot lines; the centerlines of streets, alleys, or railroad rights-of-way (or such lines extended); government survey lines; municipal limits lines, or the centerlines of streams. If a lot is divided by a district boundary, the less restrictive zoning requirements may be extended not more than 25 feet into the more restrictive district. (Ord. No. 624, 3/5/85, 1, 3)

(d) There is hereby established the Municipal District, which shall be designated on appropriate maps as "M". the municipal district provides locations within the Town from which municipal services may be generated and from which may be conducted and/or extended to the Town residents by the governing body. Except as hereinafter provided, because all the lands within the "M" District are owned by or under the control of the governing body, all uses shall be authorized by the Mayor and Council, and all authorized uses shall be considered uses by right and are not required to meet any other provisions or performance standards of the Zoning Ordinances. Those lands excepted from the exclusive and ownership and control of the Town of Thermopolis are those presently owned by C.B. Ingle and Lee Ola Ingle and described in Ordinance No. 649. (Ord. No. 650, 5/10/88)

(e) The "Zoning District Map of the Town of Thermopolis, Wyoming" dated July 29, 1986 and any additions thereto shall be updated to reflect the rezoning of the undeveloped area and the area of nonconforming uses on the west side of 14th Street of Thermopolis from Broadway to 500 South 14th Street consisting of Blocks 2, 3, 4 and 5 of the Hillberry Addition to the Town of Thermopolis (LDR) Low Density Residential District to (MDR) Medium Density Residential District. (Ordinance No. 820, 03/20/2010)

Sec. 15-202. Low Density Residential District (LDR)

(a) The LDR is established to protect stable neighborhoods of detached single-family dwellings with relatively low land use intensities. The limited conditional uses allowed in this district shall be compatible with an atmosphere of large, landscaped lawns, low building heights, ample setbacks and sideyards, predominantly off-street parking, low traffic volumes, and low nuisance potentials. (Ord. No. 679, 9/28/90, 1)

(b) The uses-by-right allowed and standards for their development are shown in Table IV, Section 15-213. Uses-by-right are also subject to the parking, signage and riverfront area performance standards. (Ord. No. 571, 2/21/80, 3-2)

(c) Conditional uses permitted and standards for their development are shown in Table IV, Section 15-213, subject to approval of application pursuant to Section 15-504. Conditional uses shall be compatible with the district's description and subsection (a) above, including their accessory buildings or uses, parking, signage, riverfront area and other applicable standards and ordinances.

(d) The undeveloped area and the area of nonconforming uses on the west side of 14th Street of Thermopolis from Broadway to 500 South 14th Street consisting of Blocks 2, 3, 4 and 5 of the Hillberry Addition to the Town of Thermopolis is hereby rezoned from (LDR) Low Density Residential District to (MDR) Medium Density Residential District. (Ordinance No. 820, 03/20/2010)

Sec. 15-203. Medium Density Residential District (MDR)

(a) The MDR is established to protect stable neighborhoods of detached single-family dwellings with smaller lots and some mixture of higher density residential uses. Restoration or development of older homes in this district shall be encouraged. Conditional uses shall be compatible with an atmosphere of low building heights, low traffic volumes, and low nuisance potentials but may be developed at higher intensities than in the LDR.

(b) The uses-by-right allowed and standards for their development are shown in Table IV, Section 15-213. Uses-by-right are also subject to the parking, signage and riverfront area performance standards. (Ord. No. 571, 2/21/80, 3-3)

(c) Conditional use permitted and standards for their development are shown in Table IV, Section 15-213, subject to approval of application pursuant to Section 15-504. Conditional uses shall be compatible with the district's description and subsection (a) above, including their accessory buildings or uses, parking, signage, riverfront area and other applicable standards and ordinances. (Ord. No. 679, 9/28/90, 2)

Sec. 15-204. General Residential District (GR)

(a) The GR is established to include transitional residential areas where conventional and mobile homes are mixed, along with higher density residential uses and some nonconforming businesses. Higher land use intensities, traffic volumes, and nuisance potentials may be allowed for conditional uses in this district, but its character should remain clearly residential.

(b) The uses-by-right permitted and standards for their development are shown on Table IV, Section 15-213. Uses-by-right are subject to the parking, signage and riverfront area and other applicable standards and ordinances.

(c) Conditional use permitted and standards for their development are shown on Table IV, Section 15-213, subject to approval of application pursuant to Section 15-504. Conditional uses shall be compatible with the district's description and subsection (a) above, including their accessory buildings or uses, parking, signage, riverfront area and other applicable standards and ordinances. (Ord. No. 679, 9/28/90, 3)

Sec. 15-205. Redevelopment District (RDV).

This is a special purpose district that will be mapped to facilitate the public or private redevelopment of a blighted area where housing quality and values are continually deteriorating or to facilitate a planned unit development (PUD) of unimproved land. An urban renewal or housing authority could operate within this district. All developments shall be subject to review as part of a redevelopment plan for the entire district. The redevelopment plan may propose a wide range of land uses and land use intensities. Application of this zoning designation may involve the removal of substandard and inexpensive housing. Development shall replace this housing with adequate and affordable housing units. (Ord. No. 624, 3/5/85, 5)

Sec. 15-206. Central Business District (CBD).

(a) This district is intended to include the Town's principal retail and service center. On-street public parking and lot coverage approaching 100% is the rule. This is the area in which "downtown" beautification or improvement plans could operate. Restoration of second story commercial space in this district is encouraged. Industrial uses are not permitted in the CBD.

(b) Uses-by-right in the CBD include the reconstruction, repair or structural alteration of existing occupancies, and changes of use in existing structures, accessory buildings and use, and signs allowed in commercial districts by the signage performance standards. Standards for uses-by-right shall be those set forth in the signage, parking, and fencing performance standards of this Chapter and an overall floor area ratio limit of 3.

(c) Conditional uses in the CBD include all new principal structures or buildings. Conditional uses shall be compatible with the district's description in Subsection (a) above, including their accessory buildings or uses and signs. (Ord. No. 624, 3/5/85, 6)

Sec. 15-207. Highway Business District (HBD).

(a) The highway business district is established to provide for expansion of the Town's retail and commercial area. Highway oriented commercial uses usually require locations on major highways and include, but are not limited to, such activities as service stations, supply yards, auto sales and service, motels and restaurants, drive-in banks, and commercial recreation. The HBD is intended to assure that highway oriented commercial uses are planned and developed to enhance circulation, off street parking, and landscaped settings for structures are the rule. As the transition of areas mapped in this district from residential to commercial will be a gradual process, conditional uses are encouraged to

mitigate potentially adverse impacts on neighboring residences. Light manufacturing may be permitted as conditional uses; other industrial uses will not be permitted.

(b) Uses-by-right shall include all construction, repair, or structural alteration of existing occupancies; changes of commercial or public use; new commercial uses fronting U.S. Highway 20 and adjacent to the existing commercial uses, structures or buildings; accessory buildings and uses; residential uses incorporated as a part of a commercial use for the purpose of housing owners or employees of the commercial use; signs as permitted by Article VII of this Chapter. Standards for uses-by-right shall include the parking, riverfront, and fencing performance standards. The floor area ratio shall be limited to 3 and lot coverage 80% for all uses within this zone. (Ord. No. 624, 3/5/85, 7)

(c) Conditional uses shall include light manufacturing, quasi-public uses, mobile homes not fronting on Highway 20, other residential uses anywhere in the District, public recreation facilities, and institutions.

(d) When the district boundary of the HBD bisects a block and a developer proposes to use contiguous lots, of which only a portion is zoned HBD, the use proposed, whether retail, commercial, or one permitted in the neighboring zone, shall be a conditional use and subject to review by the Commission. (Ord. No. 631, 9/17/85, 1)

(e) The building setbacks for buildings having strictly commercial uses within the Highway Business District may be 0.0 feet from the property line so long as the commercial enterprise provides off street parking. The building set backs for buildings combining commercial uses and residential uses within the Highway Business District shall be the same as for the Residential District (LDR, MDR, GR) as determined by the Town Building Official to be consistent with the adjacent buildings and the adjoining neighborhood, so long as the commercial enterprise provides off street parking. The building setbacks for residential buildings within the Highway Business District shall be same for the residential districts (LDR, MDR, GR). (Ord. No. 807, 10/01/07)

(f) Residential uses within the HBD District shall conform to the Town's fencing and right of way requirements. (Ord. No. 807, 10/01/07)

Sec. 15-208. Industrial District (I).

(a) The I district is established to segregate industrial uses which are generally major and extensive operations, require large level sites with open storage and service areas, will utilize regional transportation such as railway and state highways, and normally generate some nuisances such as glare, dust, smoke, noise, and water and air pollution. Light manufacturing, supply yards, and construction and storage facilities are also compatible in this district, although their nuisance potential is generally less and their demand for access and transportation may be less.

(b) Residential uses are not permitted in the I district. This segregation is to protect industrial uses and potential industrial sites from residential and commercial uses "moving to a nuisance" and thereby possibly limiting or inhabiting industrial operations or expansion.

(c) Uses-by-right shall include all reconstruction, repair or structural alteration or existing occupancies, accessory buildings or uses and signs, and change of industrial occupancy within an IBC occupancy group in existing structures.

(d) Conditional uses shall include all industrial uses not listed as uses-by-right in Subsection (c) above. (Ord. No. 598, 9/20/82, 13)

Sec. 15-209. Agricultural District (AG).

(a) This district is intended to anticipate expansion of the Town into agricultural areas and to preserve agricultural production in those areas.

(b) Uses-by-right in the AG district include all primary agricultural production activities and their accessory uses and buildings including farm homes and signs as allowed by the signage performance standards. Uses-by-right are subject to the riverfront performance standards and to a lot coverage limitation of 5%.

(c) Conditional uses in the AG district include:

(i) Public and quasi-public recreational facilities.

(ii) Campgrounds and travel trailer courts.

(iii) Home occupations. (Ord No. 571, 2/21/80, 3-9)

Sec. 15-210. Open Space District (OS).

The OS district is intended to protect slopes and natural drainageways from development that would cause or contribute to slope failures, excessive soil erosion, and sediment pollution of the Big Horn River. It may also be mapped in floodplain areas and will be used as the zoning designation for some existing parks. Because of the sensitive nature of lands included in the OS district, all development including filling, grading and excavation will be regulated as conditional uses subject to the performance standards set forth in this Chapter. (Ord. No. 624, 3/5/85, 8)

Sec. 15-211. Residential Estate District (RE).

(a) The RE District is established to permit in the agricultural and scenic areas of the Town large estate lots which cannot be economically accommodated with the Town's central residential areas.

(b) Uses by Right -- Uses-by-right shall include those shown on Table IV, Section 15-213. Uses-by-right shall also be subject to parking, signage and riverfront area performance standards. Minimum lot size shall vary depending on the land use capability as determined in Subsection (d) below, but in no case shall the lot size be less than 12,000 square feet.

(c) Conditional Uses -- Conditional uses shall be compatible with the atmosphere as a Low Density Residential Estate type district. Conditional uses permitted and standards for their development are shown on Table IV, Section 15-213, subject to approval of application pursuant to Section 15-504. (Ord. No. 679, 9/28/90, 5)

(d) Carrying Capacity Determination.⁴³

(i) Carrying capacity is defined in terms of three broad physical characteristics:

- (1) Slope
- (2) Erosion potential
- (3) Stormwater runoff potential

(ii) Method of evaluating carrying capacity.⁴⁴

(1) Step 1. Initial determinations.

- (A) Determine average slope (see Table III) _____
- (B) Determine soil series (from SCS mapping) _____
- (C) Determine runoff potential

⁴³ This Chapter imposes restrictions on the intensity or density of development for the RE District as one way of assuring that development is compatible with neighboring land uses and in harmony with its physical setting. The "bottom line" on density is the point at which increased density presents potential public health or safety hazards or potentially damaging impacts on the neighboring or downtown properties. (Ord. No. 624, 3/5/85, 43)

⁴⁴ Coverage from Step 3 is divided by % allowable impervious coverage from Step 2. For example, 12,000 square feet from Step 2, divided by 40% impervious coverage from Step 3 equals 30,000 square feet minimum allowable lot size. (Ord. No. 624, 3/5/85, 43)

- (by hydrologic group) _____
- (2) Step 2. Determine allowable impervious coverage from Table III _____
- (3) Step 3. Coverage determination from plans or, in the case of rural subdivisions, assume 12,000 square feet per lot _____
- (4) Step 4. Determination of density as a function of impervious coverage allowed _____

(iii) The formula in Subsection (ii) above for determining minimum lot size shall only apply to developments served by central sewer and water. All other developments shall require a minimum of one acre or more depending on the land area required for septic systems, well separation, runoff potential and slope.

(iv) Average slope of a development or lot is determined by review of USGS topographic maps and site inspection. Land dedicated to the public for parks or open space can be discounted in the calculation.

(v) See Table III. **MAXIMUM ALLOWABLE IMPERVIOUS COVER**

Sec. 15-212. State Park District (SP).

This district is established to protect the environs of the Hot Springs State Park. All uses shall be considered unique and may be reviewed by the Town Planning Commission upon request by the State Recreation Commission. Uses-by-right shall include all construction, repair, or changes in occupancy approved by the State Recreation Commission and signs as permitted by Article V of this Chapter. Standards for uses-by-right shall include parking, riverfront, and fencing standards, unless such standards are in conflict with the standards of the Wyoming Recreation Commission. (Ord. No. 624, 3/5/85, 4)

Sec. 15-213. Table IV RESIDENTIAL ZONING DISTRICTS, See TABLES.

ARTICLE III. SUPPLEMENTARY PERFORMANCE STANDARDS.

Sec. 15-301. Applicability.

These standards apply to uses-by-right in all districts, as appropriate. Along with other use-by-right standards, they may serve as presumptive guidelines in the review of conditional uses. (Ord. No. 598, 9/20/82, 15)

Sec. 15-302. Developments not to overlap.

No two developments may claim the same, or portions of the same, lot area or width or required yard for the purposes of their compliance with this Chapter. (Ord. No. 598, 9/20/82, 15)

Sec. 15-303. Projections from buildings.

(a) Cornices, canopies, eaves, or similar architectural features may extend into a required yard not more than three feet.

(b) Fire escapes may extend into a required rear yard not more than six feet.

(c) In such cases where the IBC may impose more restrictive standards on projections from buildings, the provisions of the IBC shall apply. The projection of signs from buildings is regulated by the signage performance standards of this Chapter. (Ord. No. 624, 3/5/85, 10)

Sec. 15-304. Corner Lots.⁴⁵

The side yard along the street side of a corner lot shall not be less than two-thirds the front yard requirement for that same lot. (Ord. No. 598, 9/20/82, 15)

Sec. 15-305. Accessory buildings.

Accessory building in the Residential Estate, Low Density Residential, Medium Density Residential and General Residential Districts shall be located in the required side or rear yard. Vehicle garages, in the districts above, having the vehicle entrance/exit door(s) opening directly toward an alley shall be located a minimum of fifteen (15) feet from that alley property line. Accessory buildings, in the districts above, shall not be located within five (5) feet of any property line or shall be located in compliance with the Town's currently adopted International Building Code, whichever results in the greater distance.

⁴⁵ Example: A corner lot in the LDR district must have a minimum side yard width of 13.3 feet even though the side yard requirement in this district would normally be five feet.

For the purposes of this section accessory buildings are unattached buildings. When accessory buildings are attached by a minimum of one half of one or more common walls they become part of the major mixed occupancy, are not considered an accessory building, and shall comply with applicable minimum yard requirements. (Ord. No. 674, 7/12/90, 1)

Sec. 15-306. Community services and facilities.

(a) All developments shall be served by a public street. Access to a development only from an alley is prohibited. All developments must have adequate access for police, fire, and emergency medical services.

(b) Within the Town limits, water and sewer utility lines may be extended to the places presently not served only where all owners of property along the route of extension not presently and adequately served shall bear the full cost of the extension on a front foot basis.

(c) Developments shall provide solid waste collection points with all-weather access for users and Town collection vehicles. (Ord. No. 598, 9/20/82, 15)

Sec. 15-307. Building heights.

(a) No building or structure, including towers, smoke stacks and similar appurtenant parts of a building or structure or accessory building or use shall be erected or constructed so as to constitute a hazard to the approach, landing, and take-off of aircraft at any public airport.

(b) No building or structure shall exceed four stories in height, nor shall the building or structures exceed a maximum of sixty (60) feet above the grade plane. (Ord. No. 810, 11/01/07)

(c) The height of an accessory building is limited to the height of the principal building. (Ord. No. 598, 9/20/82, 15)

(d) A "story" shall be defined as that portion of a building included between the upper surface of a floor and the upper surface of the surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. (Ord. No.810, 11/1/07)

(e) A "story above grade plane" is any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

(i) More than 6 feet above grade plane; or

(ii) More than 12 feet above the finished ground level at any point. (Ord. No. 810, 11/01/07)

(f) "Grade plane" is a reference plane representing the average of finished ground level adjoining the building at the exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building. (Ord. No. 810, 11/01/07)

Sec. 15-308. Fencing and landscaping requirements.

(a) Developments and uses including but not limited to swimming pools, gravel pits, commercial storage yards, and heavy equipment yards which are attractive nuisances to children shall be fenced. If the development is in the community "entrance" area or on the major highways, it shall be fenced with a fence consisting of typical fencing materials and muted color. Such fence shall screen the development from view, and the development shall be landscaped.

(b) Salvage and junk yards shall be fenced with a fence of typical fencing material and muted color which screens the development from view. (Ord. No. 624, 3/5/85, 12)

Sec. 15-309. Exception to use-by-right yard requirements.

The front and side yard requirements in established residential neighborhoods may be varied by the Building Official to match the average yard on the block, where the average yard is less than that required by Section 15-213 but more than that required by the IBC and where matching the average will not obstruct vision at intersections. (Ord. No. 598, 9/20/82, 15)

Sec. 15-310. Soil suitability.

Developments shall not be sited on soils with high ground water tables, soil shrinking and swelling, low soil bearing strength, or other soils with severe limitations on construction and maintenance, unless specifically engineered for such limitations. (Ord. No. 598, 9/20/82, 15)

Sec. 15-311. Slopes

Commercial uses, institutions, and industrial uses shall not locate on slopes greater than 20%. Such developments on slopes above 10% and residential developments on slopes greater than 20% shall provide slope protection measures, pursuant to a Conservation Plan prepared with technical assistance of the Hot Springs Conservation District. (Ord. No. 624, 3/5/85, 13)

Sec. 15-312. Adequate fire protection.

All developments shall be adequately protected by the Town's fire fighting system. The installation of additional fire hydrants, standpipes, sprinkler systems, and other fire safety measures may be required pursuant to the International Building Code, Fire Code, and recommendations of the Fire Department. (Ord. No. 598, 9/20/82, 15)

Sec. 15-313. Lighting of parking areas.

Commercial, industrial, and public developments shall provide adequate lighting of structures, storage yards, parking lots, and other public areas. Such lighting shall not constitute a nuisance for nearby residences. (Ord. No. 598, 9/20/82, 15)

Sec. 15-314. Carnivals, circuses, and outdoor concerts.

Carnivals, circuses, and outdoor concerts shall be permitted in the Central Business District and the Highway Business District as a conditional use and in the State Park District as a use-by-right upon compliance with all requirements of the Recreation Commission and the County Fair Board. Such activities shall comply with the performance standards as given for such activities in this Chapter. (Ord. No. 624, 3/5/83, 44)

Sec. 15-315. General provisions.

A lot may be used for gaming or a gaming establishment as a use-by-right in the Central Business District, Highway Business District and State Park District. Gaming and gaming establishments shall be considered as conditional use in the Industrial District. Gaming and gaming establishments are prohibited in all other districts including but not limited to Open Space District, Low Density Residential District, Medium Density Residential District, General Residential District, Agricultural District, Residential Estates District, and Municipal District. Gaming establishments or gaming shall not be considered as an accessory building use, accessory use, home occupation or any other subordinate use allowed as a use-by-right or conditional use in the districts that gaming and gaming establishments are prohibited within above.(Ord. No. 707, 11/1/94, 1)

Sec. 15-316. Proximity to schools and churches.

Gaming establishments shall not be located within a lineal distance of three hundred feet (300') if the lot containing previously established public school or church use. (Ord. No. 707, 11/1/94, 1)

Sec. 15-317. Penalty.

Any person convicted of violating this Gaming Ordinance is guilty of a misdemeanor punishable by a fine of not more than \$750.00. (Ord. No. 707, 11/1/94, 4) (Ord. No. 800, 5/10/07)

Sec. 15-318. Severability.

If any section, subsection, sentence, clause or phrase of this Gaming ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the constitutionality of the remaining portions of this ordinance. (Ord. No. 707, 11/1/94, 5)

ARTICLE IV. NONCONFORMING USES.

Sec. 15-401. Definitions.⁴⁶

A "nonconforming use" is a use, building or structure in existence on February 21, 1980, which does not conform to the standards established for a use-by-right in the district where it is located. (Ord. No. 571, 2/21/80, 5-1)

Sec. 15-402. Right of continuance -- Right to change use.

Nonconforming uses may continue subject to the restrictions imposed by this Chapter. Nonconforming uses may be changed to conforming uses-by-right or conditional uses through the same procedures provided for any change of use in this Chapter. (Ord. No. 571, 2/21/80, 5-2)

Sec. 15-403. Abandonment.

⁴⁶ A nonconforming use is one that does not "fit" the requirements of the zoning district in which it is located. It could be a repair shop in a residential district or a building covering 85% of its lot in a district where coverage is restricted to 80%. These existing uses have a right to continue, subject to certain restrictions, until they are voluntarily abandoned. Nonconforming signs are dealt with in the signage performance standards of this Chapter.

If active and continuous occupancy of a nonconforming use is not maintained during any continuous period of six months, the nonconforming use shall be considered abandoned and future use of the building or parcel of land shall comply with the standards of this Chapter. Intent to resume occupancy will not affect this provision. (Ord. No. 571, 2/21/80, 5-3)

Sec. 15-404. Restoration.

A nonconforming use damaged or destroyed by fire or a similar calamity may be restored to its original condition if the restoration is begun, pursuant to a building permit issued by the Town, within six months and completed, as evidenced by issuance of a certificate of occupancy by the Town, within one year. (Ord. No. 571, 2/21/80, 5-4)

Sec. 15-405. Enlargement or alteration.

Nonconforming uses may be structurally altered, repaired or enlarged in any way that does not increase their degree of nonconformity with the standards set forth in this Chapter. No nonconforming use shall be enlarged, in terms of floor area ratio, by more than 25%. (Ord. No. 571, 2/21/80, 5-5)

Sec. 15-406. Structural safety.

Any nonconforming use declared unsafe for occupancy by the Town's Building Official may be restored to a safe condition. (Ord. No. 571, 2/21/80, 5-6)

ARTICLE V. ADMINISTRATIVE PROCEDURES.

Sec. 15-501. Three sequences to apply.

The administration of this Chapter will be through three separate sequences of application and permit procedures: one sequence for uses-by-right, one for most conditional uses, and one streamlined conditional use process for home occupations. Appropriate appeal and enforcement procedures are also provided. (Ord. No. 624, 3/5/85, 14)

Sec. 15-502. Sequence I: Uses-by-right.

(a) The development of or change of occupancy to a use-by-right shall be pursuant to a building permit issued by the Building Official upon his determination that

the proposed development or change of occupancy complies with the provisions of this Chapter and other applicable Town Ordinances.⁴⁷ The application procedure shall be the same as that already established for building permits issued pursuant to the Town's adopted building codes.

(b) Upon completion of the development or change of occupancy, the Building Official shall issue a certificate of occupancy which certifies that the new building, structure or use has been developed as represented and in full compliance with this Chapter and other applicable Ordinances. (Ord. No. 571, 2/21/80, 6-1)

Sec. 15-503. Sequence II: Conditional uses.

(a) The review and approval or rejection of applications for conditional use permits shall be based on the policies checklist in Sections 15-1002 through 15-1101.

(b) The purpose of the conditional use review is to provide a process that recognizes that most parcels of lands and proposed developments have unique or distinctive features such as terrain, soils, public service requirements, and access as well as potential adverse impacts on the community environment, fiscal balance of the Town, and neighborhood and community value that can be most effectively regulated with case-by-case review. The conditional use process shall function as an incentive for functional, serviceable, and attractive solutions to site limitations and adverse impacts.

(c) Applications for conditional use permits shall include the following, as applicable:

(i) A petition for annexation.

(ii) A preliminary plat and all accompanying materials required by the Town's subdivision laws.

(iii) complete floor plans, elevations, and site plans.

(iv) Evidentiary forms adopted herein by reference, detailing compliance with the policies of the Town Master Plan and the performance standards set forth in this Chapter.

(d) Application for conditional use permits must be received by the Town Planner at least 20 working days prior to a regularly scheduled meeting of the Commission. Ten copies of the application must be submitted. The Town Planner shall notify the

⁴⁷ Development is a general term including reconstruction and structural alteration, as well as new construction.

Commission of the Application, circulate copies of the application to Commission members, and obtain and circulate copies of comments from affected agencies, departments or officials, including, but not limited to:

- (i) Town Attorney.
- (ii) Town Engineer.
- (iii) Fire Chief.
- (iv) Police Chief.
- (v) Superintendent of Schools.
- (vi) Hospital Administrator.
- (vii) Hot Springs State Park.
- (viii) Hot Springs County.
- (ix) Building Official.
- (x) Town Administrator

(Ord. No. 624, 3/5/85, 16)

(e) A public hearing for the application received in accordance with Subsection (c) above will be held at the next regularly scheduled Commission meeting, provided that the notice requirements in Subsection (f) below are fulfilled.

(f) The applicant shall advertise the time, date, and place of the hearing in the official Town newspaper. The advertisement shall run once weekly in each of the two weeks immediately preceding the hearing and shall include the location and nature of the proposed development.

(g) A sign notifying passers-by that a conditional use permit has been requested for the property is available in the Town Hall and shall be posted in a conspicuous location on the property by the applicant at least 14 days before the hearing.

(h) At the public hearing, the Commission will hear the testimony of all concerned agencies and individuals and

(i) Approve the permit, stating in writing any conditions attached to its approval;

(ii) Deny the permit, stating in writing its reasons for doing so and the conditions under which approval might be granted;

(iii) Table action on the permit until the next regular meeting due to lack of information from the applicant, stating in writing its reasons for so doing. (Ord. No. 624, 3/5/85, 17)

(i) The development or new occupancy approved as a conditional use permit shall not be occupied or operated prior to the issuance of a certificate of occupancy.

(j) Upon completion of a development pursuant to a conditional use permit, the Building Official shall issue a certificate of occupancy which certifies that the development has been completed as represented, in compliance with all conditions imposed by the Commission and in compliance with this Chapter and other applicable Ordinances.

(k) Every conditional use permit issued by the Commission shall expire and become null and void if the building or use authorized by the permit is not commenced within 180 days from the date of the Commission's approval.

(l) Conditional uses will be subject to building permit requirements for building code enforcement purposes. (Ord. No. 598, 9/20/82, 16)

Sec. 15-504. Sequence III: Conditional uses for home occupations.

(a) The review and approval or rejection of a home occupation application shall be based on the performance standards for home occupations in Article VIII, Home Occupation Standards.

(b) Applications for home occupation permits shall include the following, as applicable:

(i) Complete floor plans, elevations, and site plans.

(ii) Evidentiary forms adopted herein by reference, detailing compliance with the policies of the Town Master Plan and home occupation performance standards set forth in this Chapter.

(c) Application for home occupation permits may be received at any time by the Town Planner. Three copies of the application must be submitted. The Town Planner shall circulate copies of the application to and obtain and circulate copies of the application to affected agencies, departments or officials, including as deemed necessary, but not limited to:

- (i) Town Attorney.
- (ii) Town Engineer.
- (iii) Fire Chief.
- (iv) Police Chief.
- (v) Hot Springs County Planner.
- (vi) Building Official.
- (vii) Town Planning Commission Members.

(viii) Town Administrator.

(d) A public hearing for the home occupation application received in accordance with Subsection (c) above will be held within ten workdays of receipt, provided that the notice requirements in Subsection (e) below are fulfilled.

(e) The applicant shall advertise the time, date, and place of the hearing in the official Town newspaper. The advertisement shall run once immediately preceding the hearing and shall include the location and nature of the proposed development.

(f) A sign notifying passers-by that a conditional use permit for a home occupation has been requested for the property, is available and shall be placed in a conspicuous location on the property by the applicant at least seven days before the hearing.

(g) At the public hearing, the Town Planner will hear the testimony of all concerned agencies and individuals and

(i) Approve the permit, stating in writing any conditions attached to its approval; or

(ii) Deny the permit, stating in writing its reasons for doing so and the conditions under which approval might be granted.

(h) The applicant or any affected individual may appeal the decision of the Town Planner within 15 days of the decision. Such appeal shall require review by the Town Planning Commission at their next regularly scheduled meeting and at said meeting the Planning Commission shall approve the permit, stating in writing any conditions attached to its approval; or deny the permit, stating in writing its reasons for doing so and the conditions under which approval might be granted. (Ord. No. 624, 3/5/85, 15)

Sec. 15-505. Appeal procedure.

(a) Appeals from decisions of the Building Official as to uses-by-right, or the Commission as to conditional uses, and requests for variances shall be heard by the Board.

(b) Appeals must be filed with the Town Planner within 15 days of the appealed decision. The request for appeal shall contain the information requested in the Rules and Regulations of the Board of Appeals. The Board shall meet within 15 days of the filing of an appeal for the purpose of setting a hearing date. (Ord. No. 624, 3/5/85, 18)

(c) The appellant shall advertise the appeal hearing in the official Town newspaper at least once three (3) days before the hearing. The advertisement shall comply with the Board's Rules and Regulations. (Ord. No. 806, 10/01/07)

- (d) At the hearing the Board shall take the testimony of all interested parties.
- (e) The Board shall rule, in writing, that:
 - (i) the decision from which the appeal is taken was correct, or
 - (ii) The decision from which the appeal is taken was in error, or
 - (iii) In the case of variances, the variance is granted or denied on the basis of criteria established in Wyo. Stat. §15-1-607.
- (f) The written decision of the Board shall contain its reasons for its ruling in the following format:
 - (i) Findings of fact based solely upon the evidence in the record and matters officially noticed, and
 - (ii) Conclusions of law, in which any applicable ordinances, rules, statutes, or court decisions are cited. (Ord. No. 598, 9/20/82, 17)

Sec. 15-506. Enforcement procedures.

- (a) Each day in which a violation of any provision of this Chapter continues shall be considered a separate offense.
- (b) The Town may enforce this Chapter through any appropriate legal action, including injunctions, to prevent the establishment or continuance of violations, and requests for court orders for the renewal of offending buildings, structures, signs, or uses, with the costs of removal being borne by the owner.
- (c) Conditions imposed by the Planning Commission on the approval of development and use changes are mandatory and the Town may take any legal action necessary to enforce such conditions. (Ord. No. 598, 9/20/82, 18)

Sec. 15-507. Processing fee.

The cost of processing applications for zone changes or zoning designations in new additions and of processing conditional use permit applications shall be billed to the developer (applicant). Processing costs shall be calculated on the basis of hours of planning staff time involved, with the hourly billing rate reflecting all costs of maintaining a community planning operation. The developer will be billed upon the conclusion of the

proceedings involved in approving or rejecting his or her application, payment being due within 30 days. Failure to pay shall void any approval granted and the bill may be attached to the property involved as a tax lien. The hourly billing rate, effective July 1, 1980, will be \$20.00. Developers shall be responsible for the costs of any and all public notices required to process their applications. (Ord. No. 579, 7/10/80, 1)

ARTICLE VI. ON-SITE PARKING AND LOADING PERFORMANCE STANDARDS.

Sec. 15-601. Purposes.

These on-site parking performance standards are intended to promote and protect the public health, welfare, and safety by providing for adequate on-site parking and loading areas, thereby lessening the Town's overall traffic circulation capacities. These standards also provide that parking areas to be properly constructed for safety purposes and to eliminate or mitigate any potential nuisances they might create for neighboring land uses. (Ord. No. 571, 2/21/80)

Sec. 15-602. Minimum parking space requirements.

(a) All developments shall provide and maintain the minimum number of parking spaces and the loading areas required in Section 15-603, Appendix A, except for changes of occupancy, and reconstructed or redeveloped uses on sites where parking or loading areas have not been provided in the past.

(b) Central business district uses have historically approached 100% lot coverage and relied on public parking on public streets -- this pattern will be continued. New CBD uses cannot destroy existing parking without providing replacement spaces. (Ord. No. 624, 3/5/85, 19)

(c) All gaming establishments located within the Town, irrespective of the zoning district they are located in, shall provide and maintain one on-site parking space for each machine and three parking spaces for each table permitted in the respective current gaming assessment certificate, issued by the Town, for each gaming establishment. (Ord. No. 707, 11/1/94, 3)

Sec. 15-603. Joint parking facilities.

Developments may utilize joint parking or loading areas if those joint areas are of adequate size according to the standards of Section 15-603 (Appendix A). Joint parking

areas shall be within 600 feet of all uses served. Developments with differing peak activity periods may utilize joint parking areas with a consequent reduction in parking space requirements.⁴⁸ (Ord. No. 571, 2/21/80, 7-2)

Sec. 15-604. Parking area or lot design.

(a) Minimum dimensions for parking area or lot design, in different configurations, shall be as set forth in Appendix B to Section 15-604. Parking area surfacing shall be concrete, asphalt or a minimum of a 4" thick layer of screened 1" minus gravel. Parking areas shall be graded so as to provide positive drainage to the public street or public storm drainage system. Owners or lessors of a gravel parking area or lot shall daily sweep any loose gravel from the abutting gutters, sidewalk and streets. In all required parking areas or lots that have concrete or asphalt for surfacing the parking spaces shall be clearly marked with painted lines. In parking areas or lots that have gravel for surfacing, the parking spaces shall be designated with individual wheel stop blocks or approved equivalent. Parking areas or lots shall have a continuous (as opposed to dead end) circulation pattern. Parking areas or lots shall have an approved safe access to public streets and be lighted for night use. Recreation vehicle or storage parking areas or lots shall have a security fencing and lighting.

(b) All parking areas of lots in existence on the effective date of this Article, which have gravel surfacing in compliance with this Article, shall be considered acceptable. (Ord. No. 683, 7/25/91, 1)

Sec. 15-605. Parking area buffers.

Commercial, industrial, institutional, public, recreational vehicle and storage parking areas should be buffered from adjoining residential uses by landscaping, walls, berms, or similar treatments. (Ord. No. 571, 2/21/80, 7-4)

Sec. 15-606. Handicapped parking.

Commercial, institutional, and public parking areas should provide clearly marked and appropriately situated parking spaces for the handicapped, one such space being provided in each parking area. (Ord. No. 571, 2/21/80, 7-5)

Sec. 15-607. Maintenance required -- Other performance standards applicable.

⁴⁸ Example: A church with 100 sanctuary seats would be required to provide 25 parking spaces. A day care center with six employees, serving 30 children, would be required to provide six spaces. If the day care center, operating five days a week, were housed within the church, operating mostly on Sundays, 25 parking spaces could serve both uses.

Parking areas shall be subject to perpetual maintenance assurances where they are required (as in condominium developments) and to the other performance standards set forth in this Chapter. (Ord. No. 571, 2/21/80, 7-6)

Sec. 15-608. Developments not to decrease existing parking or loading space.

No new development may decrease existing parking or loading areas below the required minimum without providing adequate replacements.(Ord. No. 571, 1/21/80, 7-7)

Sec. 15-609. Loading area design.

Loading areas shall be clearly marked to exclude parking, have safe access to public street or alleys, and be designed with adequate clearances, curb radii, lane widths, maneuvering room and lighting to accommodate their anticipated use. (Ord. No. 571, 2/21/80, 7-8)

ARTICLE VII. SIGNAGE PERFORMANCE STANDARDS.

Sec. 15-701. Purpose of Article.

These performance standards are intended to create a more attractive commercial environment in the Town of Thermopolis by enhancing the community's natural, scenic and architectural assets through limited signage. These standards are also intended to limit the creation of traffic and pedestrian safety hazards, protect property values and prevent public nuisances in Residential areas. (Ord. No. 669, 6/20/89, 1)

Sec. 15-702. Definitions.

(a) Awning. A temporary shelter supported entirely from the exterior wall of a building. Awnings are collapsible, retractable or capable of being folded against the face of the supporting building.

(b) Awning Sign. Any sign attached to or part of the construction of the awning. These signs include those that hang below the awning and they must maintain a height of eight feet for rigid signs, seven feet for fabric signs, from the ground walking surface to the lowest projection of the sign.

(c) Building Frontage. The linear width of the building, facing the lot frontage line, measured horizontally from exterior wall corner to exterior wall corner and disregarding perpendicular projections or indentations.

(d) Commercial Districts. Districts, or zones, within the boundary or Town limits, defined on the Town of Thermopolis Zoning Map as Commercial or Central Business, Highway Business, State Park, Agricultural, Industrial and Redevelopment District.

(e) Construction Sign. A temporary sign identifying new development or construction usually including such information as the name of the project, the owner, the leasing agent, the contractor, the architect and brief project descriptive information. These signs shall be displayed from the beginning of construction and removed within 7 days of the project completion.

(f) Coverage or Area of Sign. The area of all faces of the sign within a perimeter which forms the outside shape including any frame, forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. For double-faced or signs placed back to back both faces will be considered in the calculation of the area.

(g) Flashing Sign. A sign equipped with a visible exterior artificial light source, made up of individual visible light bulbs, neon or florescent tubes, that are not constant in intensity, cycle on and off, at all times or that flash in sequence to give the illusion of movement.

(h) Flat-Wall Sign. A sign attached directly to, or painted on, the wall of a building or structure, parallel to that wall and extending no more than one foot from it. Flat-wall signs shall not project above the roof line of the building it is attached to and must comply with Town Code 15-710 concerning the amount of projection over public property. The projection is measured from the wall surface to the outer most projection of the sign.

(i) Free-Standing Sign. A sign constructed on its own foundation, is not dependent on any adjoining structure for support and may be supported by one or more columnar structures.

(j) Governmental Sign. A sign installed and maintained by a government entity including regulatory and traffic control signs.

(k) Illuminated Sign. A sign equipped with an internal, constant or intermittent, artificial light source and translucent faces. Illuminated signs may cycle the illumination off and on, change intensity or colors provided the entire sign surface changes intensity

equally and at the same time. All sign types may be intentionally illuminated by shielded spotlights provided the illumination remains constant in intensity and does not change colors.

(l) Institutional Sign. An on premises sign designating churches, hospitals, schools, museums, residential care facilities and similar uses.

(m) Interior Sign. Signs located within a building that have no portion intentionally visible from the exterior of the building.

(n) Lot Frontage. Any property or boundary line of a private lot or parcel of land that forms the property or boundary line of the right-of-way of any public street or highway. Property or boundary lines in common with another public property, private property, or alley right-of-ways is not considered frontage.

(o) Marquee. A permanent shelter support entirely from the exterior wall of a building. A marquee is usually a rigid structure not intended to collapse, retract or fold into or against the supporting building.

(p) Marquee Sign. Any sign attached to or part of the structure of the marquee. These signs include those that hang below the marquee which must maintain a height of eight feet from the ground walking surface to the lowest projection of the sign.

(q) Moving Sign. A sign that has actual moving parts.

(r) Nameplate Sign. A sign attached directly to, or painted on, a building customarily near the main entrance with sign coverage not exceeding four square feet.

(s) Neon Sign. A sign incorporating tubes using electrically stimulated neon or other gas.

(t) Off-Premises or Off-Site Sign. A sign that relates to or advertises products or services, or directs persons to a different location from where the sign is installed. These signs are the primary responsibility of the owner of the property containing or supporting the sign.

(u) Political sign. A sign that promotes the election of a particular candidate, a particular political party or any phase of the election process. Their removal is the responsibility of the candidate or part whose name they bear. Political signs shall not be erected prior to 120 days before the next scheduled election and must be removed within 15 days after that election.

(v) Projecting Sign. A sign attached directly to the wall of a building or structure, perpendicular or at an angle to that wall and extending more than one foot from that wall measured from the wall to the outer most projection of the sign.

(w) Public Service Sign. A sign that has moving illuminated displays of time, temperature, or similar public service information. Commercial messages may be displayed in addition to the public service information above, however, the commercial message cannot be the sole use and the public service information must be contained in at least 50% of the display.

(x) Real Estate Sign. A sign displayed on the premises for sale for the purpose of informing the public that the property is for sale, lease or rent.

(y) Residential Districts. Districts or zones, within the boundary or Town Limits, defined on the Town of Thermopolis Zoning Map as Low Density Residential, Medium Density Residential, General Residential, Residential Estates, and Open Space District.

(z) Rooftop Sign. A sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

(aa) Rotating or Revolving Sign. A sign that moves on a base or pedestal. The entire sign rotates and does not just create the illusion of movement.

(bb) Sign. Any device or display of letters, words, models, insignias, banners, flags, pennants, symbols or other representations which are in the nature of an announcement or advertisement which call attention to a product, service, organization, person or event. Flags, pennants or insignias of any nation or political subdivision thereof shall not be considered a sign.

(cc) Special Event Sign. A temporary sign containing specific information about a specific event to be erected not more than 60 days prior to the start of the event and to be removed within 7 days after the event.

(dd) Temporary Sign. Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials with or without frames, intended to be displayed for a limited period of time not to exceed 60 days.

(ee) Tow-in or Portable Sign. A sign that is not permanently attached to the ground or building, may be in the form of a trailer, erected on a stand or pedestal or the sign itself may be self-supporting.

(ff) Window Sign. A sign installed in, or painted on, a window for the purpose of viewing from outside the building.

(Ord. No. 669, 6/20/89, 2)

Sec. 15-703. Table V Sign Criterion, See TABLES

Sec. 15-704. Allowed coverage or area of total signage.

Total coverage or area of all allowed sign types, governed by this Article, located on one private lot or parcel of land will be calculated by allowing 3 square feet of total coverage or area per 1 lineal foot of lot frontage or 3 square feet per 1 lineal foot of building frontage whichever is more restrictive but not to exceed 500 square feet per lot or parcel. Allowable sign coverage for a private lot or parcel that does not contain a building will be calculated using the lot frontage only but not to exceed 500 square feet. (Ord. No. 669, 6/20/89, 4)

Sec. 15-705. Permit required and fee.

It is unlawful to erect, re-erect, construct, alter or maintain a sign, that Sec. 15-704 requires a permit for, without first obtaining an approved permit issued by the Town of Thermopolis. Application for a sign permit shall be made in writing upon forms provided by the Town. All information required by the form must be provided. No fee will be assessed for sign permits. Each individual sign must be issued a separate permit and no permit will be issued to multiple signs. (Ord. No. 669, 6/20/89, 5)

Sec. 15-706. Signs to be marked and tagged.

All signs shall be plainly marked with the name and address of the person, firm, or corporation responsible for the sign and its maintenance. An identification tag, issued with each approved sign permit by the Town of Thermopolis, will be affixed to the sign, by the permittee, in a location that can be observed from the public right-of-way. (Ord. No. 669, 6/20/89, 6)

Sec. 15-707. Sign safety and maintenance.

(a) All wiring, electrical fittings or apparatus used in illuminated and rotating or revolving signs shall be in compliance with the Town's or State's adopted electrical codes.

(b) The design, materials, construction and installation of all signs must conform with the Town's adopted ordinances, building codes and fire code.

(c) No illuminated sign shall be constructed or installed so as to direct light upon adjoining properties in a manner that constitutes a nuisance or traffic hazard.

(d) No sign or sign structure shall interfere with, or be attached to, any fire escape, exit or standpipe.

(e) All signs shall be designed and anchored as to resist all forces, acting in any direction, including but not limited to wind.

(f) All signs shall be maintained in good repair with all displays of parts being functional and structurally sound.

(g) Signs with broken light bulbs, broken frames or panels, sagging structural members, etc., shall be considered to be out of compliance with this Section.

(h) The paint covering any surface of a sign or sign structure must be periodically repaired as to not allow the painted surface to peel or fade and the substrate to oxidize.

(i) Any sign designated by a law enforcement agency as a safety hazard shall be removed as per Code Sec. 15-711.

(j) Any sign which does not comply with all of the above standards is subject to removal as per Code Sec. 15-711. (Ord. No. 669, 6/20/89, 7)

Sec. 15-708. Obsolete signs.

Any sign relating to products, businesses, services, etc. no longer available or at the designated location, or any sign displaying a blank surface for 6 consecutive months will be subject to removal as per Code Sec. 15-711. (Ord. No. 669, 6/20/89, 8)

Sec. 15-709. Sign height and projection.

(a) All signs shall have a maximum height of forty-five (45) feet measuring from their highest point to the adjacent ground surface. All signs shall be designed, constructed and installed so as to comply with the Town Code and adopted ordinances, the applicable International Building Code sections specifically including Appendix H entitled Signs and the International Fire Code. All references to the International Codes herein shall be to the editions as presently adopted by the Town and to all successor editions or substitute editions upon adoption by the Town. (Ord. No. 812, 11/1/07)

(b) No sign or sign structure shall project into any public alley, adjoining private property or within 2 feet of any curb line or street edge. Sign projection allowed over public street right-of-ways, provided the furthestmost projection of the sign does not come within 2' of the curb line or street edge and shall not exceed the values given in Table VI. Sign Height and Projection (See TABLES).

(b) Horizontal thickness of projecting signs shall not exceed 2 feet. (Ord. No. 669, 6/20/89, 9)

Sec. 15-710. Signs in public ways.

All signs, including nonconforming signs, based in or on public property, excluding governmental signs, require a valid sign permit approved by a majority vote of the Town Council. All signage must comply with all applicable federal, state and local regulations or codes and when in conflict the most restrictive will govern. (Ord. No. 669, 6/20/89, 10)

Sec. 15-711. Non-conforming signs, removal and penalty.

(a) A nonconforming sign is any sign which was in existence at the time of adoption of this Ordinance which does not conform to the provisions of this Article. All nonconforming signs must have a permit, as provided by Code Sec. 15-706, as a nonconforming sign prior to July 1, 1990, thereafter, nonconforming signs will be considered to be not in compliance with this Article and subject to removal as herein provided. All nonconforming signs, with an approved permit, shall be allowed to continue in use until voluntarily removed, use ceases for a period of 6 consecutive months or is removed as per Sec. 15-711. Nonconforming signs must be maintained, however, no change in the sign structure or message is allowed.

(b) The Building Inspector or Town Planner shall cause to be removed any sign they deem to be not in compliance with this Article or for which no permit has been approved. The Building Inspector or Town Planner shall notify, by certified mail, the owner of the property on which the sign is located of the violation. If the owner of the property on which the sign is located cannot be found the violation notice will be posted on the sign. It shall be the duty of the owner of the property to notify the owner of the sign of the non-compliance. The owner of the property will cause the violation to be corrected within 30 days of the date on the notification. The owner of the property containing the sign or owner of the sign may appeal the determination of the Building Inspector or Town Planner by filing a written application for appeal with the Board of Adjustment within 15 days after the date on the notification. If the Building Inspector or Town Planner determines the sign causes an imminent danger to the public safety, they shall cause the immediate removal without notification.

(c) Any sign removed by the Town pursuant to the provisions of this Section shall be returned to the owner of the property or of the sign upon payment of costs of removal. The cost of removal of the sign by the Town shall be considered a debt owed to the Town by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the Town. The cost of removal shall include any and all incidental expenses incurred by the Town in connection with the sign's removal.

(d) Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and shall be penalized in accordance with the provisions of Sec. 6-104 of the Municipal Code, and a separate offense shall be deemed to be committed for each day during which a violation occurs or continues. (Ord. No. 669, 6/20/89, 11)

ARTICLE VIII. HOME OCCUPATION PERFORMANCE STANDARDS.

Sec. 15-801. Definition.

A home occupation is a small business, profession or craft activity carried on within the home which is in a residential district. (Ord. No. 668, 6/20/89, 1)

Sec. 15-802. Standards.

(a) Each home occupation must meet all the following performance standards:

(i) The business activity conducted at the home occupation location must be entirely within the dwelling, carried on by the inhabitants residing in the dwelling and not employing more than one employee to work in the dwelling. Related business activity, carried on at a location other than the home occupation location is not considered part of the home occupation and must comply with all requirements of the zoning district where they are located. A home occupation must not expand to include business activity not allowed by these standards. (Ord. No. 668, 6/20/89, 2)

(ii) It shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.

(iii) The total area used for the home occupation shall not exceed one-half the floor area of the dwelling.

(iv) There shall be no exterior advertising other than a nameplate-type identification of the home occupation.

(v) There shall be only incidental sales of stock, supplies or products conducted on the premises.

(vi) There shall be no exterior storage of material or equipment used as a part of the home occupation.

(vii) There shall be no offensive noise, vibration, dust smoke, odors, heat, or glare noticeable at or beyond the property line.

(viii) A home occupation shall provide additional off-street parking area adequate to accommodate any parking needs created by the home occupation.

(ix) In particular, a home occupation may include but is not limited to the following, provided the requirements above are met: art studios, dressmaking or millinery work, professional offices, offices for insurance or real estate sales, teaching, the renting of rooms to not more than two persons per dwelling, beauty parlors, and nursery schools.

(x) A home occupation shall not be conducted in an accessory building or garage.

(xi) A home occupation shall not be interpreted to include the following: animal hospital, repair shop, nursing home or restaurant. (Ord. No. 624, 3/5/85, 26)

The Conditional Use Permit Application for Home Occupation (Town Code, Sec. 15-1101) shall be modified by the Planning Commission in accordance with the foregoing Amendments. (Ord. No. 668, 6/20/89, 3)

(b) Penalty. Any person, firm or corporation violating the provisions of Town Code Sec. 15-802 and 15-901 shall be deemed guilty of a misdemeanor and shall be penalized in accordance with the provisions of Sec. 6-104 of the Town Code, and a separate offense shall be deemed to be committed for each day during which a violation occurs or continues. (Ord. No. 668, 6/20/89, 4)

ARTICLE IX. RIVERFRONT PERFORMANCE STANDARDS.

Sec. 15-901. Definition.

The riverfront area in which these performance standards apply includes the entire 100 year floodplain and all properties bordering the river or the floodplain. The riverfront

performance standards apply in all zoning districts. They will be held to affect a development to the same extent that development affects the riverfront.⁴⁹ The riverfront area is also governed by Article V, Chapter 5, Floodway and Floodway Fringe Regulations. (Ord. No. 598, 9/20/82, 20)

Sec. 15-902. River channel stabilization or modification.

Stabilization or modification of the Big Horn River channel is a development regulated by this Chapter. The use of scrap metal, inoperative vehicles, and similar materials for channel stabilization is prohibited. Where channel stabilization measures are required, natural stone retained by a wire mesh or, if necessary, in gabions shall be used. Vegetative stabilization of the channel shall be preferred over structural measures. (Ord. No. 571, 2/21/80, 10-2)⁵⁰

Sec. 15-903. Compatible uses.

(a) Within the 100 year floodplain, compatible uses shall include, without being limited to:

(i) Public and quasi-public recreational facilities and private recreational facilities accessory to residential developments.

(ii) Parking areas serving uses outside the floodplain.

(iii) Materials storage yards provided they are properly fenced to prevent off-site flotation of materials and that no toxic chemicals, fuels, fertilizers or similar substances are stored.

(iv) Nurseries and greenhouses.

(v) Water intake or outfall installation.

(vi) River channel stabilization structures.

(b) The Commission will determine the compatibility of other proposed developments.

⁴⁹ Example: A project adjacent to the riverfront that would leave the riverfront area as vacant or "waste" land will be required to meet the dedication requirements of these standards. RDV and HBD uses will be required to include adjacent riverfront areas in their master plans.

⁵⁰ As to authority of municipalities to regulate water courses, see Wyo. Stat. § 15-1-103 (xxx).

(c) Outside the 100 year floodplain, the riverfront area may be developed according to the standards set forth for the various zoning districts with the addition of the following standards:

(i) Industrial and commercial developments shall provide landscaped buffers for the riverfront area. Buffer areas may be integrated into the overall site plan and put into active, compatible use where possible.⁵¹

(ii) Private developments should be buffered from dedicated public riverfront areas by landscaping, walls, berms, or similar treatments if the public area is not effectively integrated into the development site plan.

(iii) Riverfront developments should be compatible with an atmosphere of muted colors, trees, low noise potential and pedestrian or bicycle travel. Incompatible developments shall provide buffers of landscaping, berms, or other similar "natural" treatments. (Ord. No. 571, 2/21/80, 10-3)

Sec. 15-904. Access.

All riverfront area developments, with the exception of a new single-family dwelling constructed on a parcel which existed on February 21, 1980, shall be encouraged to provide, where appropriate, dedicated public trailway access along or roughly parallel to the river. (Ord. No. 571, 2/21/80, 10-4)⁵²

ARTICLE X. MASTER PLAN POLICY CHECKLIST

Sec. 15-1001. Conditional use review.

This Chapter contains a condensation of the Town's Master Plan policies in a form appropriate for conditional use review. some of the Master Plan policies have been expanded upon or made more specific in order to better serve the present purpose by making conditional use review more predictable and consistent. (Ord. No. 571, 2/21/80)⁵³

⁵¹ Example: Picnic area associated with a riverfront cafe or a buffered strip transitional to a parking lot.

⁵² This performance standard looks toward the eventual completion of a continuous, public river trail way system serving the Town.

⁵³ A "presumptive" standard provides a basis for evaluation. It is not a hard and fast rule. Example: The presumed compatible density in the RDV district is 18 dwelling units per acre (attached) but a developer may propose a functional, serviceable project at 21 units that meets with all other performance standards and provides significant public benefits (like quality low-rent units). The presumptive guideline would not stop the project,

Sec. 15-1002. Form of development.

(a) Soil Suitability -- Developments are discouraged from locating on sites where high ground water tables, soil shrinking and swelling, low soil bearing strength, and/or soil depth impose moderate or severe limitations on the construction and maintenance. Until superseded by a more authoritative source, the Soil Survey of Thermopolis City Area prepared in 1974 will be the presumptive guide to decisions on this policy.

(b) Harmony with Natural Terrain -- The design of development is encouraged to be in harmony with the natural terrain, including drainage, slope, soil type, natural hazards and scenic qualities.

(c) Slopes -- Developments are discouraged from locating on slopes in excess of 20%. Developments on slopes should, and may be required, to provided any of the following slope protection measures, pursuant to a Conservation Plan prepared with the technical assistance of the Hot Springs Conservation District.

(i) Slope revegetation.

(ii) Slope stabilization by mechanical measures (temporary or permanent).

(iii) Slope drainage (including appropriate settling basins or other sediment pollution control techniques).

It will be presumed that any development on a slope of over 8% should submit a Conservation Plan as part of its application for a Conditional Use Permit.

(d) Road System Design -- Roads are encouraged to follow the contours of the natural terrain and to be constructed with the minimum possible use of cuts and fills. Road grades exceeding 8% are discouraged.

(e) "Leapfrog" Development -- Developments which would require the extension of public services past or through significant areas of developable but undeveloped land are discouraged. Additions must meet the requirements of Wyo. Stat. §15-1-402 as to contiguity to the Town.

although it might serve as a basis for discussion and the Commission would, in its findings, specifically point out the positive features that resulted in its approval of the higher density.

(f) Flood Hazards -- Development within Flood Zone A is prohibited, except as provided in the riverfront performance standards in Article IX of this Chapter. Development with the drainage of major tributary "gulches" or "draws" is prohibited. The Flood Insurance Rate Map dated February, 1977, will be the guide to decisions. The drainageway of major tributaries will be defined as the physical area required to carry the peak flow generated by runoff from the 24 hour 100 year storm.

(g) Strip Development -- Commercial or residential strip development is discouraged.

(h) Street Classification -- Developments generating heavy traffic loads are encouraged to have their principal access to a designated collector or arterial street.⁵⁴

(i) Central Business District -- The location of new retail and service establishments in the CBD is encouraged.

(j) Centrality -- Public and quasi-public facilities are encouraged to locate centrally, in proximity to existing facilities. The replacement of adequate quality housing within easy walking distance of the CBD with other uses is discouraged. (Ord. No. 571, 2/21/80, App.)

Sec. 15-1003. Community facilities.

(a) Additions to the Town must meet the requirements of Wyo. Stat. §15-1-402 as to serviceability.

(b) Developments serviceable by existing utilities and streets are encouraged.

(c) Principal access to a development from an alley is prohibited. All developments must have adequate access for police, fire, and emergency medical services.

(d) Developments that cannot be adequately protected by Town fire fighting equipment are prohibited. The installation of additional fire hydrants, standpipes, sprinkler systems, and other fire safety measures may be required pursuant to the International Building Code, International Fire Code, and recommendations of the Town Fire Department.

(e) Commercial, industrial, and public developments shall provide adequate lighting of structures, storage yards, parking lots, etc., to help discourage vandalism and theft. Such lighting shall not constitute a nuisance for nearby residences.

⁵⁴ Collectors and arterials are identified in the major street plan component of the Town's Master Plan.

(f) Developments shall provide central solid waste collection points with all water access for users and Town collection vehicles.

(g) The landscaping or attractive screening of solid waste collection points is encouraged.

(h) Developments necessitating "lift" or pumping stations for water or sewerage service are discouraged.

(i) Industrial or commercial developments may be required to provide sewage "pretreatment" facilities in order to receive Town sewerage service. (Ord. No. 571, 2/21/80, App.)

Sec. 15-1004. Parking.

(a) Developments shall provide the minimum parking required in the on-site parking performance standards.

(b) The joint provision of parking facilities, particularly among developments with differing peak periods of operation or use, is encouraged.

(c) The provision of "storage parking" for recreational vehicles and boats in residential developments is encouraged. Adequate storage parking will have an all weather dust-free surface, adequate security measures, and be situated so as not to constitute a nuisance or eyesore.

(d) The landscaping of parking areas is encouraged.

(e) It will be presumed that this policy has been implemented if the parking area is buffered or screened from adjoining residential or public uses, and at least 6% of the area's interior is landscaped. (Ord. No. 571, 2/21/80, App.)

Sec. 15-1005. Commercial and industrial use policies.

(a) Signs -- Signs shall meet the requirements of the signage performance standards in Article V of this Chapter.

(b) Air Quality -- Developments with significant discharges of flyash, particulate matter, dust, vapor, fumes, odors or other air pollutants are discouraged. State approval of an air quality permit does not void the application of this policy.

(c) Water Quality -- Developments with a significant discharge of any pollutant to the area's waters are discouraged. State approval of a discharge permit does not void the application of this policy.

(d) Salvage and Junk Yards, Industrial, and Commercial Storage Yards --

(i) Salvage and junk yards and industrial or commercial storage yards shall be adequately fenced so as not to constitute an attractive nuisance.

(ii) The landscaping of salvage and junk yards and of commercial or industrial storage yards is encouraged.

(iii) The location of salvage and junk yards in community "entrance" areas is discouraged.

(e) Highway Frontage Landscaping -- Businesses established within the HBD will be encouraged to provide maintained landscaped areas along their highway frontage in order to preserve the visual quality of the community's entrance and travel-oriented areas.

(f) Economic Diversification -- Diversifying economic activity (activity outside the oil, tourism, and government sectors) is encouraged. (Ord No. 571, 2/21/80, App.)

Sec. 15-1006. Residential use policies.

Home occupations shall meet the performance standards for home occupations in Article VIII of this Chapter. (Ord. No. 571, 2/21/80, App.)

Sec. 15-1007. Neighborhood compatibility policies.

(a) The exemption of conditional uses from the "mechanical" criteria governing setbacks, lot sizes, etc., within each zone is intended to give developers the maximum possible number of options for effective and affordable siting and design. The mapped zoning districts form one kind of compatibility policy for both uses-by-right and conditional uses. The following policy adds, for conditional uses, a set of compatibility criteria. These criteria are set forth in terms of real measures of compatibility designed to protect or enhance neighborhood values and stability.

(b) The application of these criteria will work on a sliding scale with the mapped zoning districts. The nuisance criteria, for instance, will obviously have a much different application in a residential district than in the industrial district. The general description of each zoning district in this Chapter is designed to give some guidance in the application of these compatibility criteria. (Ord. No. 624, 3/5/85, 28)

(c) The creation of monotonous lines of consistent setbacks, especially where similar housing designs are used, creates a “tract” housing look that should be discouraged. A consistent “rhythm” of varied setbacks that provides for lateral views from each home is preferred.

(d) Use compatibility is encouraged. It will be evaluated in terms of the following criteria which will be given points as shown following each criteria. A score of 0 or better is required to gain approval of the use compatibility.

(i) Off-site nuisances including dust, noise, odors, glare, heat vibrations, etc., whether created by the developer or already existing and affecting the proposed development. -2, 0

(ii) Attractive nuisances such as excavations, machinery storage, open pools, etc., whether created by the developer or already existing and affecting the proposed development. -2, 0

(iii) Bulk, height, and scale of neighborhood structures. -2, +2

(iv) Architectural style, materials, etc., of neighborhood structures. -2,+2

(v) Preservation of on-site trees; landscaping. -2, +2

(vi) Appropriate buffering or screening. -2, +2

(vii) Land use intensity within the neighborhood. -2, 0 (Ord. No. 571, 2/21/80, App.)

Sec. 15-1008. Subdivision policies.

Developments shall meet the requirements of Chapter 13 of this Code where applicable. (Ord. No. 571, 2/21/80, App.)

Sec. 15-1009. Riverfront development.

Developments shall meet the requirement of the riverfront performance standards, where applicable. (Ord. No. 571, 2/21/80, App.)⁵⁵

Sec. 15-1010. Carnivals, circuses, outdoor concerts policies.

⁵⁵ The riverfront performance standards are found in Article IX of this Chapter.

(a) A plan showing the location of the activities and layout of all equipment, stages, parking, toilet facilities, firelanes, hydrants, first aid stations and pedestrian circulation shall be provided to the Planner as part of the conditional use review. The plan shall specifically identify any equipment that will generate noise, such as compressors, generators and speakers.

(b) All plans shall be reviewed and approved by the Thermopolis Police Department and Fire Department. Safety in design and layout shall be the main criteria in such review.

(c) Noise of the proposed activities shall be limited as much as is technically possible. (Ord. No. 624, 3/5/85, 45)

Sec. 15-1011. TABLE VII. MAXIMUM ALLOWABLE DENSITIES FOR CONDITIONAL USES., SEE TABLES

Sec. 15-1012. Conditional Use Permit Application -- Form.

The Planning Commission shall develop, prepare and use the application form located in Appendix C of this Chapter. Conditional Use Permits. Such forms may be amended as necessary by the Commission, provided that such amendments are in substantial conformance with the text of Chapter 15 of the Town Code. (Ord. No. 624, 3/5/85, 29)

ARTICLE XI. FENCING REGULATIONS

Sec. 15-1101. Purposes of Article.

These regulations are intended to promote public safety by regulating fences and hedges that would obstruct vision on public ways, and to protect community appearance. (Ord. No. 583, 10/7/80, 2)

Sec. 15-1102. Definitions.

(a) Fence. For the purposes of this Article, the word, “fence” shall mean and enclosing barrier, normally along a property line, including continuous hedges and other plantings.

(b) Front Yard. For the purposes of this Article, the word “front yard” shall mean a yard extending from the front of the building, or in the case of corner lots, from the front or side of the building, extending to the property line adjoining a public street. (See Appendix D)

(c) Rear Yard. For the purposes of this Article, the word “rear yard” shall mean a yard extending from the building or structure to the property line adjoining the alley. (See Appendix D)

(d) Side Yard. For the purposes of this Article, the word “side yard” shall mean a yard extending from the building or structure to the interior or adjoining property line. (See Appendix D)(Ord. No. 653, 8/11/88, 1)

Sec. 15-1103. Restrictions -- Commercial, industrial and agricultural districts.

Uses within commercial, industrial, and agricultural districts may fence any portion of a lot, subject to the restrictions on fencing materials and fences on corner lots contained herein. Fencing in these districts may be required for buffering purposes or to prevent attractive nuisances. (See Appendix D)(Ord. No. 583, 10/7/80, 4)

Sec. 15-1104. Same -- Residential and open space districts.

Users within the residential, agricultural and open space districts may fence any portion of a lot subject to the following restrictions:

- (a) Rear and side yard fences may have a maximum height of six (6) feet.
- (b) The restrictions on the front yard fences are as follows:
 - (i) Interior lot – Fences are restricted to maximum height of four (4) feet.
 - (ii) Corner Lot –
 - 1.) Fences which are woven wire with a minimum of three (3) inch by three (3) inch weave or chain link or are otherwise capable of being seen through shall have a restriction of a maximum height of four feet; all fences made of any other material shall have a maximum height of three (3) feet.
 - 2.) Fences with a maximum height of six (6) feet are allowed to extend into one front yard on corner lots, but not both, as long as they align with the building setback requirements on the second front yard and do not pose any street or alley visibility issues as outlined in town code Section 15-1106 and as more fully described on a revised Appendix "D" to code Section 15-1102.
 - 3.) As determined by Code Administrator or Town designee.

(Ordinance No. 852 08/17/2018, 2)

- (c) Hedges, shrubbery and ornamental items.

Hedges, shrubbery, trees, other plants and ornamental or decorative items shall be restricted to a maximum height of three feet if located within thirty feet of the corner of a corner lot along the sidewalk or curb if no sidewalk exists next to the curb. Trees shall be pruned of branches a minimum of eight feet from the ground. To the extent reasonably possible, all lot owners with existing shrubs, bushes, trees, plantings, ornamental and decorative items and landscaping are encouraged to conform with this section. However, if the Chief of Police determines that hedges, shrubbery, trees, other plants and ornamental or decorative items constitute a safety issue, an order may issue to conform with this section. (Ord. No. 653, 8/11/88, 2, Ord. No. 781,7/28/05,1)

- (d) If the property owner disputes the conditions imposed by the Town, through its Code Administrator or Town employee designated by the Mayor, the lot owner may appeal directly to the governing body of the Town. The lot owner no longer needs to appeal through the Board of Appeals. (Ordinance No. 852 08/17/2018, 3)

Sec. 15-1105. Same -- Fencing material.

Fencing material shall consist of materials normally considered for use in fencing and shall not include sheet or scrap metal. Barbed wire, razor wire, electrified and similar fencing shall be limited to the top of a security fence over six (6) feet in height which prevents access to hazardous areas requiring security. (Ord. No. 653, 8/11/88, 3)

Sec. 15-1106. Same -- Corner lot fences and street visibility.

- (a) Restrictions--Corner Lot Fences and Obstructions and Street Visibility.

No fence shall be constructed or maintained so as to block vision from a public street or alley or to prevent adequate visibility of the street or alley from a private drive or access road. (Ordinance No. 852 08/17/2018, 1)

- (b) Subdivision Covenants.

This Code Section shall not be construed to change any existing subdivision covenants or restrictions concerning the subject matter of this Ordinance.

- (c) Permissive Use of Right of Way.

In many instances' property owners have constructed fences within the Town's right of way without permission from the Town. Hereafter, for fences already constructed in the

Town's right of way, the Town hereby grants permission for fences to remain in the Town's right of way, subject to modification for fire hydrants and traffic control signs and public safety. However, such permissive use is subject to the Town's use of the right of way and should the Town deem it necessary to enter into or use the right of way for any purpose whatsoever, any damage caused by the Town to owner's improvements will be at the owner's peril; and repair or restoration of any damage will be at the owner's expense. This Section shall also apply to existing hedges, shrubs, trees, ornamental items and decorative landscaping and the like. In no event shall any fence or other improvement described in this Ordinance inhibit pedestrian traffic on the sidewalks and all such fencing or other items will be maintained so as not to interfere with pedestrian traffic.

(d) Sidewalks.

A property owner who intends to install or replace a sidewalk shall do so adjacent to the curb in accordance with the Town's Building Code. Any existing sidewalk, which is presently offset from the curb and gutter, which the owner intends to replace, shall be constructed next to the curb in accordance with the Building Code. Such installation at the curb shall be done in such a manner as to connect with offset sidewalks on the property of adjacent owners.

(e) Application/Permit.

Any owner desiring to replace or construct a fence, install decorative improvements and/or landscaping, or plant hedges, shrubbery or trees, or to replace or construct a sidewalk shall do so in conformance with this Ordinance by making application on a form to be provided by the Town and receiving a permit for said improvement.

(f) Penalty.

Any person violating the provisions of this Section and Article XI of the Town Code shall be deemed guilty of a misdemeanor and subject to a fine of not more than \$750.00 and Court costs, and an Order removing such improvements at the owners expense or restitution for the cost of removal and restoration if done by the Town. (Ord. No. 653, 8/11/88, 4, Ord. No. 781,7/28/05,2,3,4,5,6,7,8)

ARTICLE XII. SOLAR ACCESS

Sec. 15-1201. Purpose.

The purpose of this Article is to implement the provisions of Wyo. Stat. §§34-22-101 through 106, providing for "solar rights," and by so doing, to encourage the use of solar energy in the Town. (Ord. No. 598, 9/20/82, 22)

Sec. 15-1202. Shading of collectors not prohibited.

The shading of any solar collector which has received a solar access permit and has a properly recorded solar right is prohibited, unless it can be determined that:

- (a) The solar right has been abandoned.
- (b) The solar right has been conveyed, in a legally proper and duly recorded instrument, to the person or firm that would shade the collector. (Ord. No. 598, 9/20/82, 22(b))

Sec. 15-1203. Solar access permits for existing collectors.

Owners of solar collectors in operation on the effective date of this Article may at any time within five (5) years of said date apply for a solar access permit. The application shall be in the same format specified in section 15-1206 below for new applications but shall also include the date on which the collector was first put into beneficial use. (Ord. No. 598, 9/20/82, 22 (c))

Sec. 15-1204. Solar access permits for new collectors.

Applications for solar access permits shall be made on the forms provided for building permit applications. For new structures, the application shall be made at the same time the building permit is applied for. For retrofits of older structures, a building permit will normally be required and should cover all proposed structural, plumbing, mechanical, and electrical changes. If a building permit is not required for the collector under any other authority, it is required by this Section. (Ord. No. 598, 9/20/82, 22(d))

Sec. 15-1205. Application requirements.

Applications for solar access permits shall provide drawings showing all the following information.

- (a) The dimensions of the collector and the structure to which it is appurtenant, including height above grade to the base of the collector, height above grade to the top of the collector, and the width of the collector's surface.
- (b) The setbacks from all south, east, and west property lines to the collector's sides and surface.
- (c) The collector's angle of tilt, if any.

(d) The altitude and azimuth bearings of all potential existing obstructions on the day of the winter solstice from 9:00 a.m. to 3:00 p.m. (the applicant may voluntarily file for a more restricted right).

(e) The names and mailing addresses of all property owners whose future use of their land may be affected by the issuance of a solar permit. (Ord. No. 598, 9/20/82, 22(e))

Sec. 15-1206. Permit limitations.

Solar access permits shall be limited to the “envelope” presently free of obstruction during the time period for which the permit is requested. The “envelope” will be further limited by the following standards:

(a) No permit will grant a right to solar energy that would be blocked by a ten foot high wall at the property line.

(b) No permit will grant a right which would totally deprive any adjoining owner of permitted uses of his or her land.

(c) New uses in any district shall not interfere with solar rights in adjoining districts. (Ord. No. 624, 3/5/85, 38)

Sec. 15-1207. Applicability to plantings.

The provisions of this Article apply to plantings of trees or shrubbery made after the date on which a solar access permit is issued to the collector they shade. The Town does not require permits for plantings, but the owner of a solar collector may act to prevent plantings that will shade his or her collectors by filing a complaint of a violation of Section 15-1203 above. (Ord. No. 598, 9/20/82, 22 (g))

Sec. 15-1208. Recording solar rights.

Solar rights shall be recorded at the Office of the Hot Springs County Clerk within 30 days of the date when the collector is first put to beneficial use. Copies of all drawings submitted to the Town and of the issued solar access permit shall be recorded. (Ord. No. 598, 9/20/82, 22 (h))

ARTICLE XIII. MOBILE HOME PARKS.

Sec. 15-1301. General standards.

The Planning Commission shall review each mobile home park proposal for compliance with the following guidelines:

(a) Each mobile home shall be located upon its site as to provide a minimum spacing of fifteen (15) feet in any direction between all mobile homes. If mobile home accessory structures, roofed or covered are to be allowed, including awnings, carports, cabanas, porches, storage cabinets, utility buildings, ramadas, factory built additions, tip-outs, slide-outs or other structures, additional space must be provided as to not let these structures encroach on the fifteen (15) foot space between mobile homes. The customary unroofed steps and landing with three (3) foot high guard railing may encroach in the fifteen (15) foot space provided the landing level does not exceed the height of the mobile home floor level to which it is accessory. Allowable horizontal projection of steps and landings shall be limited by placement of a site boundary line between mobile homes or mobile homes and other structures, not less than six (6) feet from any mobile home, its projections, any attached accessory structures or their projections. Steps and landings shall not project from any mobile home nearer than three (3) feet to any site boundary line measured horizontally. (Ord. No. 671, 8/24/89, 2)

(b) A minimum spacing of eight (8) feet shall be provided from any mobile home including projections to streets and common areas within the mobile home park. A minimum spacing of five (5) feet shall be provided between all mobile homes (including projections and attached accessory structures including projections) and the mobile home park property lines. (Ord. N. 671, 8/24/89, 3)

(i) Upon the application for a building permit as required under this code, the Building Official shall require compliance with all Town building, zoning and other ordinances. Where there is conflict between Town building, zoning and other Ordinances, the Building Official shall require the more stringent standard. As a specific exception, the Building Official may issue a mobile home placement permit for a replacement mobile home within a Mobile Home Park, even if the previous mobile home placement did not comply with all Town Ordinances so long as no material modification and/or expansion of use is permitted. In considering what is a material modification, and/or expansion of use, the Building Official shall consider the neighborhood, the character of the neighborhood, the changing character of the neighborhood, the uniformity of the neighborhood and the health, safety and best interests of the citizens of the neighborhood and surrounding neighborhoods. (Ord. No. 809, 11/01/07)

(c) The internal street design, including proposed surface and drainage improvements, shall be reviewed and approved by the Town Engineer.

(i) Any internal streets that are to be dedicated to the Town shall be dimensioned and improved in accord with the Town's subdivision regulations and engineering standards.

(ii) For other internal streets, required traveling widths shall be sixteen (16) feet for two-way traffic, with parallel parking lanes of nine (9) feet where on-street parking is to be permitted. Paving or private internal streets shall be required if a park will house fifty (50) or more mobile homes. Such streets will be graded, well-drained, and accessible at all time to emergency vehicles. (Ord. No. 624, 3/5/85, 42)

(iii) Any internal street, whether dedicated or private, shall be provided with a sidewalk at least thirty (30) inches wide on each side. (Ord. No. 598, 9/20/82, 23(a))

(iv) When internal circulation is provided, access for each mobile home unit shall be from an internal street.

(d) Each mobile home shall be provided with on-lot parking spaces for two automobiles.

(e) Each mobile home shall be provided with a walkway with a minimum width of two (2) feet.

(f) Adequate internal lighting shall be provided at all intersections of internal streets, all guest parking areas, all recreation areas, and around all buildings or structures containing public facilities.

(g) All utility services, including but not limited to water, sewer, gas, electrical, and fire protection shall comply with all applicable state standards and Town Codes. (Ord. No. 671, 8/24/89, 4)

(h) Fenced areas accessible to Town equipment shall be provided to house refuse containers. Sufficient space should be provided for one container for each four families.

(i) Off-street visitor parking shall be provided at the standard of one space per two mobile homes. Additional RV parking may be required.

(j) Each mobile home shall be provided with concrete strips, piers, or a pad of such width and length and so positioned so as to furnish a stable base for the mobile home.

(k) Recreational space, including play areas, will be provided at the ration of one lot for every 15 mobile home lots, and tow consecutive lots for every 30 mobile home lots.

(l) Mobile home parks shall provide on-site fire hydrants as directed by the Fire Department, or Town Engineer. Where fire hydrants are installed, water mains shall be a minimum of six inches in diameter. Hydrants, if provided, shall be located along park streets or public ways, readily accessible for Fire Department use and located within 200 feet of all mobile home lots. Hydrant hose coupling threads shall be national standard threads. Fire lanes and access to fire hydrants shall be designated and open. (Ord. No. 598, 9/20/82, 23 (a))

(m) Buildings or structures within the mobile home park that are regulated by the International Building Code shall be constructed, permitted and located in relation to the mobile home site boundary lines and real property lines in accordance with the International Building Code as adopted and amended from time to time by the Town. (Ord. No. 671, 8/24/89, 5)

(n) Mobile home parks which park, either free of charge or by fee payment, any Recreational Vehicle that does not contain a flush toilet and bathing facility, capable of connection to the park's water and sewer system, shall provide a service building that complies with State of Wyoming department of Health and Social Services Regulations and all codes adopted by the Town of Thermopolis. Any Recreational Vehicles used as a permanent dwelling within a licensed mobile home park, which park does not provide a service building, shall be connected to the park's water and sewer system.

(o) Any fuel gas connection to the mobile home park's system, exterior fuel gas tank installation or fuel gas tank installation on or within any Recreational Vehicle shall comply with the adopted codes of the Town of Thermopolis and any other applicable Federal or State laws, codes or regulations.

(p) Mobile home parks which park, either free of charge or by fee payment, any Recreational Vehicle that contains a flush toilet and bathing facilities, but has only the capability of retaining sewage and waste water within its storage tanks, shall provide a "sanitary station." The sanitary station shall provide for the emptying of sewage storage tanks and the flushing of sewage from storage tanks and hoses. (Ord. No. 693, 1/29/93, 5)

(q) Any person, firm, or corporation convicted of violating this section is guilty of a misdemeanor punishable as provided in Section 5-103 of the Thermopolis Town Code. (Ord. No. 809, 11/01/07)

Sec. 15-1302. Permit required.

Mobile Home Parks shall be permitted annually by the Town through the Town Planner or Building Inspector. The Town Planner or other officer designated by the Mayor shall inspect the mobile home park at least once annually, and upon complaint, and from time to time as deemed appropriate by the Planner. The Town Planner shall annually issue a permit for a mobile home park, which permit shall be without any fee charged, if the following conditions have been met:

(a) All mobile homes shall be skirted around their entire perimeter, and water pipes shall be wrapped with heat tapes, or skirting shall be insulated to an “R” factor of nine (9). Minimum acceptable skirting requirements shall consist of masonry, masonite, aluminum, wood or other comparable material approved by the Building Inspector. Masonry shall be installed by customary methods with suitable mortar used as the adhesive agent. Masonite, wood or aluminum skirting shall be installed as follows:

(i) A top and bottom plate consisting of continuous one inch to two inch wood stringers. The top plate shall be attached with bolts or screws to the mobile home. The bottom plate shall be attached to ground support stakes, which will be a minimum of 12 inches in length and spaced at four foot maximum spacing.

(ii) Vertical one inch by two inch wood studs or equivalent shall be attached to the top and bottom plates by means of bolts or screws. Vertical studs will be installed at a minimum of every four feet on center.

(iii) The skirting material shall be firmly fastened to the top and bottom plates as well as the vertical studs by means of bolts or screws.

(b) Each mobile home shall be located upon its site as to provide a minimum spacing of fifteen (15) feet in any direction between all mobile homes. If mobile home accessory structures, roofed or covered are to be allowed, including awnings, carports, cabanas, porches, storage cabinets, utility buildings, ramadas, factory built additions, tip-outs, slide-outs or other structures, additional space must be provided as to not let these structures encroach on the fifteen (15) foot space between mobile homes. The customary unroofed steps and landing with three (3) foot high guard railing may encroach in the fifteen (15) foot space provided the landing level does not exceed the height of the mobile home floor level to which it is accessory. Allowable horizontal projection of steps and landings shall be limited by placement of a site boundary line between mobile homes or mobile homes and other structures, not less than six (6) feet from any mobile home, its projections, any attached accessory structures or their projections. Steps and landings shall not project from any mobile home nearer than three (3) feet to any site boundary line measured horizontally. (Ord. No. 671, 8/24/89, 2)

(c) Buildings or structures within the mobile home park that are regulated by the International Building Code shall be constructed, permitted and located in relation to the

mobile home site boundary lines and real property lines in accordance with the International Building Code as adopted and amended from time to time by the Town. (Ord. No. 671, 8/24/89, 5)

(d) A minimum spacing of eight (8) feet shall be provided from any mobile home including projections, to streets and common areas within the mobile home park. A minimum spacing of five (5) feet shall be provided between all mobile homes (including projections and attached accessory structures including projections) and the mobile home park property lines. (Ord. N. 671, 8/24/89, 3)

(i) Upon the application for a building permit as required under this code, the Building Official shall require compliance with all Town building, zoning and other ordinances. Where there is conflict between Town building, zoning and other Ordinances, the Building Official shall require the more stringent standard. As a specific exception, the Building Official may issue a mobile home placement permit for a replacement mobile home within a Mobile Home Park, even if the previous mobile home placement did not comply with all Town Ordinances so long as no material modification and/or expansion of use is permitted. In considering what is a material modification, and/or expansion of use, the Building Official shall consider the neighborhood, the character of the neighborhood, the changing character of the neighborhood, the uniformity of the neighborhood and the health, safety and best interests of the citizens of the neighborhood and surrounding neighborhoods. (Ord. No. 809, 11/01/07)

(e) The sewer, water and gas connections will be maintained in accordance with the Uniform Plumbing Code as adopted and amended from time to time by the Town of Thermopolis.

(f) Internal private streets shall be maintained and shall be accessible to emergency vehicles at all times in accordance with the International Fire Codes adopted and amended from time to time by the Town of Thermopolis.

(g) Designated fire lanes and access to fire hydrants shall be maintained in accordance with the International Fire Code as adopted and amended from time to time by the Town of Thermopolis. (Ord. No. 671, 8/24/89, 6)

(h) Any person, firm, or corporation convicted of violating this section is guilty of a misdemeanor punishable as provided in Section 5-103 of the Thermopolis Town Code. (Ord. No. 809, 11/01/07)

Sec. 15-1303. Responsibility for park.

Responsibility for life and fire safety within the mobile home park, and responsibility for obtaining the permit to operate the mobile home park, shall be that of the owners and operators of the mobile home park. It is the further responsibility of the owners and operators of the mobile home park to ensure that the mobile home park conforms with the requirements of the Town Code. (Ord. No. 671, 8/24/89, 7)

Sec. 15-1304. Penalty and remedy.

(a) Any mobile home park owners or operators who violate the requirements set forth in this Chapter, or who permit occupants of the mobile home park to violate provisions of this Chapter, shall be, upon conviction, deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$750.00 plus court costs. A continuing violation for each day shall be deemed a separate and punishable offense.

(b) In addition to the foregoing penalty provided in subsection (a), the Town may petition for an receive relief from the District Court in and for Hot Springs County, by seeking a Court order enjoining the owners and operators from continued operation of the mobile home park, and closure thereof and the Court may award the Town a reasonable sum for costs and attorney's fees in seeking such relief. (Ord. No 671, 8/24/89, 8)

Sec. 15-1305. Intention of Council.

(a) Code Section 15-1302 is intended to deal with new mobile home parks. Code Section 15-1303 is intended to deal with existing mobile home parks. Code Section 14-1303 is intended to regulate mobile home parks of five (5) spaces or less, since State law and regulations govern parks of six (6) spaces or more. The Town will exercise concurrent jurisdiction over the parks of six (6) or more spaces in the event the State fails to act as provided by law. (Ord. No. 671, 8/24/89, 9)

(b) Interpretation of Code Section 15-1302(a) and (b) and 15-1303(b) and (d). See attached drawing.

Sec. 15-1306. Camping trailers, travel trailers, motor homes, truck campers.

Recreational Vehicles shall not be used as permanent dwellings or for any other permanent uses on private or public properties within the Town except as follows:

(a) Recreational Vehicles that contain a flush toilet and bathing facility, capable of being connected to the mobile home park's water and sewer system, may be used as a permanent dwelling when parked in a licensed mobile home park that provides water and sewer connections.

(b) Recreational Vehicles that do not contain a flush toilet and bathing facilities, or that are not capable of connection to the mobile home park's water and sewer system, may be used as a permanent dwelling only when parked in a licensed mobile home park providing a service building that complies with State of Wyoming Department of Health and Social Services regulations and all codes adopted by the Town of Thermopolis. (Ord. No. 693, 1.29/93, 3)

ARTICLE XIV. BED-AND-BREAKFAST ESTABLISHMENTS.

Sec. 15-1401. Regulation adoption.

(a) Bed-and-Breakfast Facilities shall be governed by the "Wyoming Regulations for Bed and Breakfast and Ranch Recreation, December, 1986", as amended, promulgated by the Wyoming Department of Health. Where a conflict may arise with the "Wyoming Regulations for Bed and Breakfast and Ranch Recreation, December, 1986", as amended, promulgated by the Wyoming Department of Health, or any other local, state or federal law, ordinance, regulation or requirement, the more restrictive shall be applied in items referenced by this Ordinance.

(b) Bed-and-Breakfast Inn shall comply to the extent reasonably possible with the "Wyoming Regulations for Bed and Breakfast and Ranch Recreation, December, 1986", as well as all applicable provisions of the Thermopolis Town Code, as amended.

(c) Nothing herein shall imply that all other applicable codes or permits shall not be followed or required. (Ord No. 704, 6/21/94, 2)

Sec. 15-1402. Applicable zoning standards.

(a) Bed-and-Breakfast Facility:

Low Density Residential -- Not Permitted
Medium Density Residential -- Conditional Use
General Residential -- Use By Right
Highway Business -- Use By Right
Central Business -- Use By Right
Industrial -- Not Permitted
Agricultural -- Conditional Use
State Park -- Conditional Use With State Approval
Residential Estates -- Not Permitted
Municipal -- Not Permitted

(b) Bed-and-Breakfast Inn:

Low Density Residential -- Not Permitted
Medium Density Residential -- Not Permitted
General Residential -- Conditional Use
Highway Business -- Use By Right
Central Business -- Use By Right
Industrial -- Not Permitted
Agricultural -- Conditional Use
State Park -- Conditional Use With State Approval
Residential Estates -- Not Permitted
Municipal -- Not Permitted

(Ord No. 704, 6/21/94, 3)

Sec. 15-1403. Occupancy restrictions (Low and Medium Density)

The building which contains the Bed-and-Breakfast Facility or Inn shall be the permanent residence of the building owner and shall be continuously occupied by the building owner. (Ord No. 704, 6/21/94, 4)

Sec. 15-1404. Off-street parking within residential districts.

(a) Off-street parking shall be provided for one vehicle space for each guest sleeping room in addition to two vehicle spaces for the permanent residential unit. Each off-street parking space provided for guest sleeping rooms shall have access to the public street at all times without the possibility of being blocked in by another legally parked vehicle, fence, gate or other obstruction.

(b) Off-street parking space requirements in residential districts may be reduced, with a majority vote of the Planning Commission, by the number of legal parking spaces available on the public street adjacent to the curb frontage of the lot containing the bed-and-breakfast business. (Ord No. 704, 6/21/94, 5)

Sec. 15-1405. Signs within residential districts.

One sign of one side with not more than 4 square feet of surface area or one sign of two sides with not more than 4 square feet per side is permitted. The sign shall have no more than two sides used for advertising, located on the property containing the bed-and-breakfast, and may be intentionally illuminated internally or be shielded spotlights provided the illumination, internal or external, remains constant in intensity, does not change colors and does not illuminate the neighboring property. (Ord No. 704, 6/21/94, 6)

Sec. 15-1406. Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such determination shall not effect the validity of the remaining portions, which shall remain in full force and effect. (Ord No. 704, 6/21/94, 7)

Sec. 15-1407. Penalty.

Any person who violates any provision of this ordinance is guilty of a misdemeanor punishable by a fine of not more than \$750.00. Each day such violation continues shall be deemed a separate offense. (Ord No. 704, 6/21/94, 8) (Ord. No. 800, 5/10/07)

ARTICLE XV. CARPORTS

Sec. 15-1501. Restrictions.

Carports, manufactured portable carports and private garages shall be used only to shelter private or pleasure-type motor vehicles and not for habitable room(s) or for storage of hazardous materials, as defined by the currently adopted fire code. (Ord. No. 710, 10/3/95, 2)

Sec. 15-1502. Location.

A carport, manufactured portable carport or private garage that is attached by a minimum of one half of one or more common wall(s)/side(s) becomes part of the major mixed occupancy, is not considered an accessory building, and shall comply with the applicable minimum yard/setback requirements. A carport, manufactured portable carport or private garage that is unattached shall be located in sideyards or backyards, shall be located five (5) feet or more from any real property line of the lot and when the vehicle entrance/exit opening is directly toward a public alley, the structure shall be located a minimum of fifteen (15) feet from that alley property line. No accessory building shall be placed on public properties within the Town of Thermopolis without obtaining an affirmative majority vote of the Town Council prior to making application for applicable permits and installation. (Ord. No. 710, 10/3/95, 3)

Sec. 15-1503. Construction requirements.

Attached or unattached carport and private garage construction shall comply with all currently adopted building codes. Manufactured portable carports shall be assembled to comply with the manufacturer's instructions and anchored to the earth in compliance with one of the following methods:

(a) One continuous 8” wide by 36” deep concrete stem wall on each longitudinal side of the carport with threaded anchor bolts embedded to match the carport manufacturer’s recommended anchorage spacing.

(b) A 4” thick concrete slab that extends 12” beyond the perimeter of the carport in each direction with threaded anchor bolts embedded in the slab, deepened to 8” at each anchorage location, to match the carport manufacturer’s recommended spacing.

(c) Thermopolis Building Official’s acceptance of an alternate foundation design, sealed by a professional engineer licensed in the State of Wyoming. (Ord. No. 710, 10/3/95, 4)

Sec. 15-1504. Lot accessory use restrictions.

Accessory buildings and uses shall not be placed upon lots within the Low Density, Medium Density, General Residential or Residential Estates Districts until a residential building or use, or other approved building or use is completed on the parcel (contiguous lots) (Ord. No. 710, 10/3/95, 5)

Sec. 15-1505. Penalty.

Any person who violates any provision of this Article is guilty of a misdemeanor punishable by a fine of not more than \$750.00. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons in violation of any provision of the Article shall be required to correct or remedy such violation or defect within a prescribed time and when not otherwise specified, each day that prohibited conditions are maintained, shall constitute separate offenses. Application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 710, 10/3/95, 7) (Ord. No. 800, 5/10/07)

ARTICLE XVI. SPLITTING OF PLATTED LOTS.

Sec. 15-1601. Definition of Lot Split.

For the purposes of this chapter, a lot split shall be defined as a division of a platted lot, parcel or tract into no more than two lots which meet the minimum standards of applicable Thermopolis Zoning Ordinances.

Sec. 15-1602. Administrative Procedures for Lot Split.

The administrative procedures for a lot split/lot division are as follows:

(a) The lot owner (hereinafter "Applicant") shall submit an application for lot split approval to the Thermopolis Public Works Department, the responsible building official in accordance with Town Code Section 5-102(c). The application shall contain the following:

(i) Legal description;

(ii) A neat, hand drawn or professionally prepared sketch drawn to scale with dimensions and locations of all existing improvements and utility service hookup locations to any improvements;

(iii) A neat, hand drawn or professionally prepared sketch drawn to scale with dimensions and locations of all proposed improvements;

(iv) Provide copies of all existing subdivision covenants or in lieu of same, a certified statement that no covenants were located upon reasonable inquiry and detailing the inquiries made;

(v) Application filing fee of \$150.00;

(vi) Name and address of every adjacent property owner, including lots immediately adjacent, lots directly across the alley, lots directly across the street and also lot owners having only a common corner position (inclusive of across street and across alley lots) The intent of this provision is to notify all immediately adjacent surrounding property owners, whether or not there is an intervening street, alley or right of way between the lots. This provision is not intended to require notice to surrounding property owners that are not adjacent or do not have a common corner to the lot to be split (whether across alley, street or right of way);

(vii) The Public Works Department shall send notice of application for lot split by regular mail to all lot owners listed in 15-1602(a)(vi) and accept written comments for 10 days thereafter from the date of mailing.

Sec. 15-1603. Approval of Lot Split By Public Works Department.

(a) The Public Works Department shall review the lot owner's application to split a platted lot in accordance with and in compliance with this Article and all other zoning regulations.

(i) If approved by the Public Works Department, a Certificate of Lot Split Approval shall be issued upon the compliance with all conditions as follows:

CERTIFICATE OF LOT SPLIT APPROVAL

STATE OF WYOMING)
) ss.
COUNTY OF HOT SPRINGS)

I do hereby certify that this lot split has been examined by me and found to comply with the regulations for the Town of Thermopolis, Wyoming, and is, therefore, approved for recording.

Public Works Department

- (ii) If approved by the Public Works Department, the Public Works Department shall send notice of approval to all lot owners pursuant to 15-1602(a)(vi).

- (b) Prior to granting approval and issuing a Certificate of Lot Split Approval, the Public Works Department shall confirm the lot owner's performance of the following:
 - (i) If approval is to be granted by the Town of Thermopolis the applying lot owner agrees to perform any additional requirements of the Public Works Department as set forth in this 15-1603(d) prior to receiving and as a prerequisite to receiving a Certificate of Lot Split Approval.

 - (ii) If approval is to be granted, the applying lot owner shall obtain a plat of both the lots as divided in accordance with the Town zoning and subdivision requirements for plats prepared by a professional surveyor.

 - (iii) If approval is to be granted, monumenting of both the lots as divided in accordance with the Town requirements for monumenting as set forth by the Public Works Department and performed by a professional surveyor.

 - (iv) If approval is to be granted, the applying lot owner shall execute any required easements as the Public Works Department requires for the provision of utilities and services.

 - (v) If approval is to be granted, the applying lot owner shall be in compliance with the same existing zoning district requirements for the resulting lots as all set forth for the lot to be split. If the above standards for the resulting lots are inconsistent with the adjacent properties and immediate neighborhood, the Public Works Department may require compliance with such lot, building, yard, and setbacks as promote neighborhood harmony.

(vi) After the Public Works Department has observed the lot owner's compliance with requirements of this 15-1603(a)(i) through (vi), the application, certificate of approval and all base documentation shall be submitted to the Thermopolis Town Council for final approval at the next scheduled meeting.

(vii) In deciding whether or not to grant the lot split, the Council shall consider all materials accompanying the lot split application, recommendations of the Planning Zone Commission (hereinafter "Commission") and other factors they deem pertinent. The Council may at their first consideration of the lot split approve the lot split, make recommendations concerning the lot split and consider it at the next meeting of the Council, request further information or reject the lot split.

(c) The Public Works Department shall not approve nor issue a Certificate of Lot Split Approval if:

(i) A new street or alley is needed or proposed;

(ii) A vacation of streets, alleys, access control or easements is required or proposed;

(iii) Such action will result in significant increases in service requirements, e.g., utilities, drainage, traffic control, streets, etc. or will interfere with maintaining existing service levels;

(iv) There is less street right-of-way than required by regulations or the comprehensive plan, unless such additional street right-of-way dedication can be made by separate instrument;

(v) All easement requirements for the proposed lots have not been satisfied;

(vi) Such split will result in a tract without direct access to a dedicated street;

(vii) A substandard sized lot or parcel will be created according to any applicable zoning regulations;

(viii) The lot is subject to period flooding which cannot be feasibly corrected.

(ix) An adjacent lot owner listed in 15-1602(a)(vi) or a lot owner that the Public Works Department determines is an adjacent landowner has returned a written objection to splitting the lot in accordance with 15-1602(a)(vii).

(d) The Public Works Department may make such additional requirements as deemed necessary to carry out the intent and purpose of the Town zoning ordinances and Town subdivision ordinances. Requirements may include, but are not limited to, the installation of public facilities, water supply and sewage disposal, or the dedication of right-of-way and easements. The Public Works Department may circulate copies of the application to affected agencies, departments or officials, including as deemed necessary but not limited to:

- (i) Town Attorney
- (ii) Town Engineer
- (iii) Fire Chief
- (iv) Police Chief
- (v) Public Works Department
- (vi) Hot Springs County Planner
- (vii) Assistant to the Mayor

The Public Works Department may evaluate any comments or concerns of the above and formulate any additional requirements for the Applicant to alleviate those concerns.

(e) The Public Works Department shall, in writing, either approve with or without conditions or disapprove the lot split within ninety (90) working days of application or after the Applicant has completed all Public Works Department's requirements, whichever is later. If approved, and after all conditions have been met, the Public Works Department shall sign the certificate of approval required on the lot split survey.

(f) After approval by the Town Council, the Public Works Department shall file the approved plat, and any easements, rights of way, conditions for approval or any other produced documents along with the plat or file documents individually as required, with the Hot Springs County Clerk.

(g) The Applicant shall pay in full upon billing from the Town the cost of filing fees and of producing a minimum of three (3) reproducible copies of the lot split, which shall be distributed by the Public Works Department as follows:

- (i) One (1) copy to the Town Council
- (ii) One (1) copy to the Town Clerk's Office
- (iii) One (1) copy to the Applicant.

Sec. 15-1604. Appeal of Application for Lot Split if Denied by Public Works Department.

(a) If the application for a lot split is denied by the Public Works Department in writing, the Applicant shall have ten (10) days from the date of mailing to file an appeal to the Commission with the Public Works Department.

(b) If the Public Works Department has received a written objection from the adjacent lot owners of 15-1602(a)(vi) or from any lot owner learned to be adjacent to the lot in question, the Public Works Department shall deny the application in writing and the Applicant shall have ten (10) days from the date of mailing to file an appeal to the Commission with the Public Works Department.

(c) The review and approval or rejection of a lot split application shall be based on compliance with 15-1603(b), (c) and (d).

(d) A public hearing for the lot split application received in accordance with subsections (a) and (b) of 15-1603 above will be held within ten workdays of receipt, provided that the notice requirements in 15-1603(e) below are fulfilled.

(e) The Applicant shall advertise the time, date and place of the hearing in the official Town newspaper. The advertisement shall run once immediately preceding the hearing and shall include the location and nature of the proposed lot split.

(f) At the public hearing, the Commission will hear the testimony of all concerned agencies and individuals and

(i) Approve the lot split application, stating in writing any conditions attached to its approval; or

(ii) Deny the lot split application, stating in writing its reasons for doing so and the conditions under which approval might be granted.

(g) The Applicant or any affected individual may appeal the decision of the Commission within 15 days of the decision. Such appeal shall require review by the Commission at their next regularly scheduled meeting and at said meeting the Commission shall approve the permit, stating in writing any conditions attached to its approval; or deny the permit, stating in writing its reasons for doing so and the conditions under which approval might be granted.

(h) If the application for lot split is approved by the Commission on appeal, the Public Works Department shall issue the Certificate of Approval upon the lot owner's compliance with all conditions and then proceed to the Town Council for final approval.

(i) The Applicant or any affected individual may appeal the decision of the Commission within 15 days of the decision to the Board of Adjustment through the appeal process set forth in Section 15-505 of the Thermopolis Town Code.

(j) If the application for lot split is approved by the Board of Adjustment, the Public Works Department shall issue the Certificate of Approval upon the lot owner's compliance with all conditions and then proceed to the Town Council for final approval.

(k) The appeal of a rejected application for lot split shall not be heard by the Council. (Ord. No. 784, 10/1/05)

ARTICLE XVII. TOWN RIGHT OF WAY AND TOWN PROPERTY

Sec. 15-1701. Use of Town Right of Way.

Except as provided in Town Code Sections 15-1104 and 15-1106, concerning fencing, sidewalk and other improvements in the Town's right of way, and the provisions of Article XI of the Town Code, any improvement placed in the Town's right of way will be subject to the permission of the Mayor and Council ("governing body") on the terms and conditions stipulated by them as the circumstances may warrant.

Section 15-1702. Application on License.

Persons interested in use of the Town's right of way shall apply for a license, the application for which may be obtained at Town Hall, and appear before the governing body to discuss the application. If the application is granted, a license will issue for the consideration of \$150.00 dollars. Said sum may be modified from time to time by resolution of the governing body. This Ordinance shall not be construed to grant a license as a matter of right, and the granting or denial of a license shall always be in the sole and absolute discretion of the governing body.

Section 15-1703. Penalty.

Any person violating the provisions of this Ordinance of the Town Code shall be deemed guilty of a misdemeanor and subject to a fine of not more than \$750.00 and Court costs, and an Order removing such improvements at the owners expense or restitution for the cost of removal and restoration if done by the Town. (Ord. No. 782, 7/28/05)

Section 15-1704. Events and Activities on Town Owned Property

(a) Temporary Vender Defined.

"Temporary Vendor" means persons who sell food and retail merchandise or offer entertainment or other events of public interest to the general public on a temporary or seasonal basis.

(b) Use of Town Owned Property.

The Town may permit the use of Town owned public property, including public rights-of-way, to temporary vendors if it is determined that the use of the Town property will not interfere with the operations of the Town's governmental functions and other private businesses. The Town may determine, on a case by case basis, whether to charge a rental fee for use of the property.

(c) Application and Permit.

The Town Administration shall develop an application and a permit for the use of Town owned public property. The Mayor shall have the authority to grant or deny the permit without formal action by the Town Council. The Town Council may set rental fees from time to time as it deems necessary by Resolution

(d) Compliance With Town and State Rules and Regulations.

(i) All temporary vendors must obtain all appropriate permits and comply with all Town business licensing and health requirements, and comply with all State laws, rules and regulations should the activity for which the permit is applied occur on a State right-of-way.

(ii) Failure to comply will result in immediate termination of the temporary vendor's permit.

(iii) The Town reserves the right to reject any application and revoke all permits, without notice, in the interest of public safety. (Ord. 783. 9/1/05, 2,3,4,5)

List of Ordinances and Corresponding Code Section for 2020 Code Update

<u>ORDINANCE</u>	<u>DATE</u>	<u>CODE</u>	<u>ORDINANCE</u>	<u>DATE</u>	<u>CODE</u>
			836 modified by 848		
817	10/6/2009	2-101	859	7/17/2017	6-104
818 and 819	10/1/2009	5-2001	837	9/16/2014	13-601
	3/2/2010	5-2002			13-602
		5-2003			13-603
		5-2004	838	12/16/2014	2-112
		5-2005	839	5/5/2015	11-102
820	3/20/2010	15-201	840 and 841	11/3/2015	5-202
		15-202	842	7/5/2016	11-633
821	8/3/2010	10-131	843	8/16/2020	11-638
822 and 858	9/21/2010		844 Modified	855	10/4/2016
	3/3/2020	4-103		855	14-610
823	12/21/2010	11-620	845	11/15/2016	8-201
		14-	846	5/2/2017	3-107
824 modified by 841	10/3/2020	109(a)	847	6/6/2017	3-105
and 831		14-602			3-106
825 repealed by 841	5/15/2012		850		N/A (RT contract)
835 and 831	6/30/2014	14-601	851	4/15/2018	10-123
826 modified by 849	9/19/2017	14-603	852	2018	15-1106
and 831	5/12/2012				15-1104
827 modified by 855	8/6/2019	14-610	853	9/18/2018	10-132
828	6/7/2011	3-106	854	10/16/2018	4-202
829	7/19/2011	12-101			4-301
		12-102			4-
modified by 834		12-103			302(d)
		12-201			4-306
		12-202			4-307
		12-203			4-308
		12-204			4-317
		12-205			4-320
830	8/16/2011	10-101	856	8/6/2019	4-323
832	11/9/2013	4-404			3-109
833	12/3/2013	14-617			3-110
					3-111
					3-112

TABLES

<u>Table</u>		<u>Section</u>
Table I	(Deleted)	
Table II	(Deleted)	
Table III	New Reference Appendix A	5-913 15-211
Table IV	Residential Zoning Districts	15-213
Table V	Sign Criterion	15-703
Table VI	Sign Height and Projection	15-709
Table VII	Maximum Allowable Densities for Condition	15-1011

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TABLE IV RESIDENTIAL ZONING DISTRICT

DISTRICT		USES	STANDARDS FOR USES BY RIGHT					
By Right	Conditional	Minimum Lot Area(1)	Minimum Lot Width(2)	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Lot Coverage	Maximum Building Height
RE	Single family dwellings							
	Accessory buildings							
	Signs as set forth in Table V							
	Institutions							
	River channel stabilization or modification							
	Public recreation facilities	12,000 sq. ft.	100 ft	25 ft	15 ft	10 ft	35%	30 ft
	Quasi-public uses							
	Home occupations							
	Cemeteries							
	Group homes (Ord. No. 679, 9/28/90, 6)							

1. Minimum lot area allowed. Greater minimum lot area may be required as determined by Appendix A
2. Lot width is measured at the setback line, i.e., the rear of the required front yard. The width between side lot lines where such lines intersect the street property line shall not be less than eighty percent (80%) of the minimum lot width except for those lots fronting cul-de-sacs or loop streets. For such lots, the eighty percent (80%) requirement shall not apply.

TABLE IV RESIDENTIAL ZONING DISTRICT

DISTRICT		USES	STANDARDS FOR USES BY RIGHT						
By Right	Conditional		Minimum Lot Area(1)	Minimum Lot Width(2)	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Lot Coverage	Maximum Building Height
LDR	Single family dwellings	Two family dwellings							
	Accessory buildings	Town houses							
	Signs as set forth in Table V	Institutions							
		River channel stabilization or modification	7000	60 ft	20 ft	10 ft	5 ft	40%	30 ft.
		Public recreation facilities							
		Quasi-public uses							
		Home occupations							
		Cemeteries							
		Group homes (Ord. No. 679, 9/28/90, 6)							

TABLE IV RESIDENTIAL ZONING DISTRICT

DISTRICT		USES		STANDARDS FOR USES BY RIGHT					
By Right	Conditional	Minimum Lot Area(1)	Minimum Lot Width(2)	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Lot Coverage	Maximum Building Height	
MDR	As in LDR plus two family dwellings and group homes (#679 9/28/90-6)	As in LDR plus high density residential uses, mobile homes on lots and mobile home courts or subdivisions	5000 sq. ft.	50 ft.	20 ft.	10 ft.	5 ft.	60%	30 ft.
GR	As in MDR plus mobile homes on lots	As in MDR plus nursing homes, rooming houses, neighborhood convenience businesses, and public facilities	4200 sq. ft.	45 ft.	20 ft.	10 ft.	5 ft.	60%	40 ft.

(Ord. No. 624, 3/5/85, 9)
(Ord. No. 679, 9/28/90, 6)

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TABLE V SIGN CRITERION

Sign Type	Sign Permit Required	Allowed in Residential Districts	Allowed in Commercial Districts	Allowed Coverage or area of Signage
Awning	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Construction	No	Yes	Yes	Residential-64 square feet Commercial-64 square feet
Flashing	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Flat-Wall	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Free-Standing	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Governmental	No	Yes	Yes	Residential-Not Regulated Commercial-Not Regulated
Illuminated	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Institutional	Yes	Yes	Yes	Residential-32 square feet Commercial-Sec. 15-704
Interior	No	Yes	Yes	Residential-Not Regulated Commercial-Not Regulated
Marquee	Yes	No	Yes	Residential-N/A Commercials-Sec. 15-704
Moving	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704

**TABLE V
SIGN CRITERION**

Sign Type	Sign Permit Required	Allowed in Residential Districts	Allowed in Commercial Districts	Allowed Coverage or area of Signage
Nameplate	Yes	Yes	Yes	Residential-4 square feet Commercial-Sec. 15-704
Neon	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Off-Premise or Off-Site	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Political	No	Yes	Yes	Residential-8 square feet but limited to 4 square feet Per side of each sign (Ord. No. 799, 8/1/06) Commercial-Sec. 15-704
Projecting	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Public Service	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Real Estate	No	Yes	Yes	Residential-6 square feet Commercial-Sec. 15-704
Rooftop	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Rotating or Revolving	Yes	No	Yes	Residential-N/A Commercial-Sec. 15-704
Special Event	No	Yes	Yes	Residential-32 square feet Commercial-64 square feet
Temporary	No	No	Yes	Residential-N/A Commercial-64 square feet
Tow-In or Portable	Yes	No	Yes	Residential N/A Commercial-Sec. 15-704

**TABLE V
SIGN CRITERION**

Sign Type	Sign Permit Required	Allowed in Residential Districts	Allowed in Commercial Districts	Allowed Coverage or area of Signage
Window	No	No	Yes	Residential-N/A Commercial-50% of window surface

(Ord. No. 669, 6/20/89, 3)

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**TABLE VI
SIGN HEIGHT AND PROJECTION**

SIGN HEIGHT AND PROJECTION

Clearance from the ground or walking surface to the lowest projection of the sign.	Maximum horizontal projection
Less than 8'	Not permitted
8' to 9'	2'
9' to 10'	3'
10' to 11'	4'
11' to 12'	5'
12' to 13'	6'
13' to 14'	7'
14' to 15'	8'
15' to 16'	9'
Over 16'	10'

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**TABLE VII
MAXIMUM ALLOWABLE DENSITIES
FOR CONDITIONAL USE**

Zoning Districts	du/A (1,2)		Lot Coverage (2)	Floor Area Ratio (1)
	Detached	Attached		
RE	3.6	5	35%	.6
LDR	5	7	40%	.6
MDR	5	12	60%	.8
GRD/RDV	6	12	60%	.8
DBD	--	--	100%	3.0
HBD	--	--	80%	3.0
A	--	--	80%	3.0
I	1	du/A	5%	.1
OS	1	du/A(3)	5%	.1

1. For commercial, industrial and public uses.
2. In terms of total impervious area, including parking. Businesses in the HBD are encouraged to provide landscaping.
3. Greater density allowed if shown not to be detrimental to the area by an engineered study acceptable to the Commission.

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Referenced by Ord. No. 598, 9/20/1982, 9

Appendix F

WASTEWATER RATES FOR RESIDENTIAL USERS, THE CLASSES OF COMMERCIAL/NONRESIDENTIAL USERS, AND THE FACTOR/MULTIPLIER APPLIED TO EACH

Referenced by Sections 14-306, 15-1102

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(Not Used)

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APPENDICES

Appendix A
Carrying Capacity Determination
Referenced by Sections 5-913, 15-211

Appendix A

Carrying Capacity Determination

Referenced from Thermopolis Municipal Code Sections 5-913(d) & 15-211(d)

The Town of Thermopolis zoning ordinance imposes restrictions on the intensity or density of development for the Residential Estate (RE) District as one way of assuring that development is compatible with neighboring land uses and in harmony with its physical setting. The "bottom line" on density is the point at which increased density presents potential public health or safety hazards or potentially damaging impacts on the neighboring or downtown properties.

- (i) Carrying capacity is defined in terms of three broad physical characteristics:
 - (1) Slope
 - (2) Erosion potential
 - (3) Storm water runoff potential

- (ii) Method of evaluating carrying capacity.

Step 1. Initial determinations.

- (A) Determine average slope _____
(see (v) below)

- (B) Determine soil series _____
(from SCS mapping)

- (C) Determine runoff potential _____
(by hydrologic group)

Step 2. Determine allowable impervious coverage from (see (v) below) _____

Step 3. Coverage determination from plans or, in the case of rural subdivisions, assume 12,000 square feet per lot _____

Step 4. Determination of density as a function of impervious coverage allowed _____

Coverage from Step 3 is divided by % allowable impervious coverage from Step 2. For example, 12,000 square feet from Step 2, divided by 40% impervious coverage from Step 3 equals 30,000 square feet minimum allowable lot size. (Ord, No. 624, 3/5/85, 43)

- (iii) The formula in Subsection (ii) above for determining minimum lot size shall only apply to developments served by central sewer and water. All other developments shall require a minimum of one acre or more depending on the land area required for septic systems, well separation, runoff potential and slope.
- (iv) Average slope of a development or lot is determined by review of USGS topographic maps and site inspection. Land dedicated to the public for parks or open space can be discounted in the calculation.
- (v) Maximum Allowable Impervious Coverage

Slope (%)	Slope Potential ¹	Erosion Potential ²	Allowable Coverage (%)
8	A-B	slight	48*
		moderate	35*
		severe	30*
	C-D	slight	35*
		moderate	30*
		severe	25*
15	A-B	slight	35
		moderate	30
		severe	25
	C-D	slight	30
		moderate	25
		severe	20
30	A-B	slight	30
		moderate	25
		severe	20
	C-D	slight	25
		moderate	20
		severe	5

¹ Runoff potential as determined by Soil Conservation Service Soil Interpretation Sheets or by a qualified engineer or soil scientist:

A-B: Greater than .6 inch per hour permeability

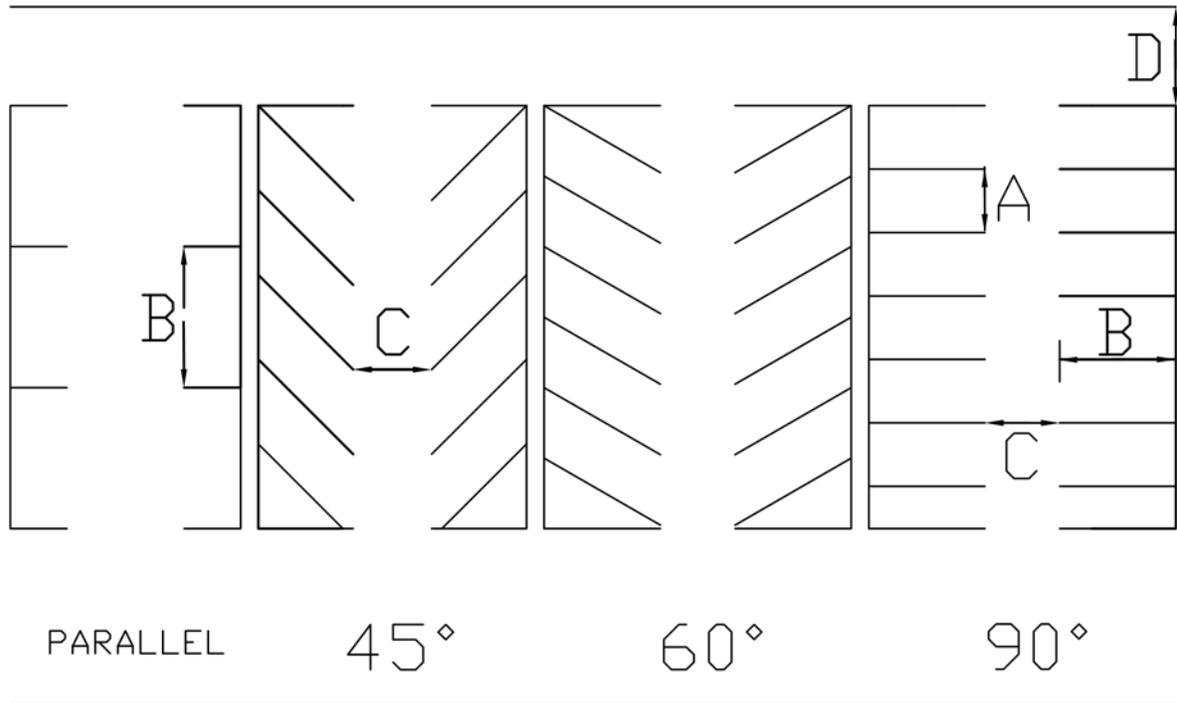
C-D: Less than .6 inch per hour permeability

² Erosion Potential as determined by Soil Conservation information or by a qualified engineer or soil scientist.

APPENDICES

Appendix B
OFF STREET PARKING
Referenced by 15-604

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OFF-STREET PARKING DIMENSIONS					
SYMBOL	DESCRIPTION	45°	60°	90°	PARALLEL
A	Width of Parking Space	12'-0"	10'-0"	9'-0"	9'-0"
B	Length of Parking Space	19'-0"	19'-0"	19'-0"	23'-0"
C	Width of Driveway Aisle	13'-0"	17'-6"	25'-0"	12'-0"
D	Width of Access Driveway	17'-0"	14'-0"	14'-0"	14'-0"



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APPENDICES

Appendix C

TOWN OF THERMOPOLIS
CONDITIONAL USE PERMIT APPLICATION
PART I & Part II

Referenced by Section 15-1012

TOWN OF THERMOPOLIS
HOME OCCUPATION APPLICATION

Referenced by Section 15-504

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List any conditions imposed pursuant to this policy:

p.3. Slopes. – Developments are discouraged from locating on slopes in excess of 20%. Developments on slopes less than 20% may and 21% or greater shall be required to provide any of the following slope protection measures, pursuant to a Conservation Plan prepared with the technical assistance of the Hot Springs Conservation District.

- (i) Slope revegetation.
- (ii) Slope stabilization by mechanical measures (temporary or permanent).
- (iii) Slope drainage (including appropriate techniques).

Any development on a slope of over 8% shall submit a Conservation Plan as part of its application for a Conditional Use Permit. (Ord. No. 624, 3/5/85, 27)

Developer's Evidence: The site plan should show two-foot interval contours;⁶¹ attach Conservation Plan.

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.4. Road System Design.

A. Roads are encouraged to follow the contours of the natural terrain and to be constructed with the minimum possible use of cuts and fills.

B. Road grades exceeding 8% are discouraged.

Developer's Evidence: The site plan shall show the grade of all proposed streets, alleys, and thoroughfares. Where cuts and fills are proposed, a cross-section shall be attached, with the degree of fill compaction, the source and nature of fill, and erosion control measures for the cuts specified. (Ord. No. 625, 3/5/85, 32)

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.5. "Leapfrog Development".

- A. Developments which would require the extension of public services past or through significant areas of developable but undeveloped land are discouraged.
- B. Additions must meet the requirement of W.S. § 15-1-402 (1980 Cum. Supp.) as to contiguity to the Town.

Developer's Evidence:

Staff Comments:

60. This requirement may be suspended in relatively level areas.

61. This requirement may be suspended in relatively level areas.

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.6. Flood Hazards.

A. Development within flood Zone A is prohibited, except as provided in the riverfront performance standards in Article IX of Chapter 15 of the Town Code.

B. Development within the drainage of major tributary "gulches" or "draws" is prohibited.

The Flood Insurance Rate Map dated January 20, 1999, will be the guide to decisions. The drainage-way of major tributaries will be defined as the physical area required to carry the peak flow generated by run-off from the 24 hour 100 year storm.

Developer's Evidence: In questionable cases the developer may demonstrate that the project is not in a floodplain or drainageway through use of appropriate hydrological engineering techniques:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.7. Strip Development. Commercial or residential strip development is discouraged.

Developer's Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.8. Street Classification. Developments generating heavy traffic loads are encouraged to have their principal access to a designated collector or arterial street. Collectors and arterials are identified in the major street plan component of the Town's Master Plan.

Developer's Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.9. Central Business District. The location of new retail and service establishments in the CBD is encouraged. The CBD is defined on the Town's official zoning map as a separate zoning district.

Developer's Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.10. Centrality.

A. Public and quasi-public facilities are encouraged to locate centrally, in proximity to existing facilities. Thermopolis has an excellent concentration of the basic public facilities now and that shouldn't be lost or diluted.

B. The replacement of adequate quality housing within easy walking distance of the CBD with other uses is discouraged.

Developer's Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.11. Serviceability.

A. Additions to the Town must meet the requirements of W.S. §15-1-402 (1980 Cum. Supp.) as to serviceability.

B. Developments serviceable by existing utilities and streets are encouraged. The site plan must show existing public and private utilities and the point from which utility service would be taken.

C. Principal access to a development from an alley is prohibited. All developments must have adequate access for police, fire, and emergency medical services.

D. Developments that cannot be adequately protected by Town fire fighting equipment are prohibited. The installation of additional fire hydrants, standpipes, sprinkler systems, and other fire safety measures may be required pursuant to the International Building Code, International Fire Code, and recommendations of the *Town Fire Department*. *A plan check by the Building Official should reveal any necessary requirements for fire safety. (???)*

E. Commercial, industrial and public developments shall provide adequate lighting of structures, storage yards and parking lots to help discourage vandalism and theft. Such lighting shall not constitute a nuisance for nearby residences. The site plan shall locate all external lights and specify their type, intensity, and the type of pedestal and support used. (Ord. No. 624, 3/5/85, 34)

F. Developments shall provide central solid waste collection points with all weather access for users and Town collection vehicles.

G. The landscaping or attractive screening of solid waste collection points is encouraged.

H. Developments necessitating “lift” or pumping stations for water or sewerage? service are discouraged.

I. Industrial or commercial developments may be required to provide sewage pretreatment facilities in order to receive Town sewerage? service.

Developer’s Evidence: The plans submitted must show all utilities, illumination, fire safety features, solid waste collection points, and other information needed to determine compliance with this policy.

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.12. Parking.

A. Developments shall provide the minimum parking required in the on-site parking performance standards.

B. The joint provisions of parking facilities, particularly among developments with differing peak periods of operation or use is encouraged.

C. The provision of “storage parking” for recreational vehicles and boats in residential developments is encouraged. Adequate storage parking will have an all-weather, dust-free surface, adequate security measures, and be situated so as not to constitute a nuisance or eyesore. It will be presumed that this policy has been implemented if the parking area is buffered or screened from adjoining residential or public uses, and at least 6% of the area’s interior is landscaped.

Developer’s Evidence: The site plan shall show the complete parking layout including typical space dimensions, space dividers or lining, appropriate lighting and signing, and the distance to uses served. (Ord. No. 624, 3/5/85, 35)

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.13. Signs. Signs shall meet the requirements of the signage performance standards in Article VII of Chapter 15 of the Town Code.

Developer’s Evidence: Attach drawing of all proposed signs.

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.14.(there is currently no 14!) Water Quality. Developments with a significant discharge of any pollutant to the area’s waters are discouraged. State approval of a discharge permit does not void the application of this policy.

Developer’s Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.15. Salvage and Junk Yards, Industrial, and Commercial Storage Yards.

A. Salvage and junk yards and industrial or commercial storage yards shall be adequately fenced so as not to constitute an attractive nuisance.

B. The landscaping of salvage and junk yards and of commercial or industrial storage yards is encouraged.

C. The location of salvage and junk yards in community “entrance” areas is discouraged.

Developer’s Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.16. Highway Frontage Landscaping. Businesses established within the HBD will be encouraged to provide maintained landscaped areas along their highway frontage in order to preserve the visual quality of the community’s entrance and rave-oriented areas.

Developer’s Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.17. Economic Diversification. Diversifying economic activity (activity outside the oil, tourism, and government sectors) is encouraged.

Developer’s Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.18. Home Occupations. Home occupations shall meet the performance standards for home occupations in Article VIII of Chapter 15 of the Town Code.

Developer’s Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p. 19. Setbacks. The creation of monotonous lines of consistent setbacks, especially where similar housing designs are used, creates a “tract housing” look that should be discouraged. A consistent “rhythm” of varied setbacks that provides for lateral views from each home is preferred.

Developer’s Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.20. Compatibility. Use compatibility is encouraged. It will be evaluated in terms of the following criteria:

- A. Off-site nuisances including dust, noise, odors, glare, heat, vibrations, etc., whether created by the development or already present and affecting it.
- B. Attractive nuisances such as excavations, machinery storage, open pools, etc., whether created by the development or already present and affecting it.
- C. Bulk, height, and scale of neighborhood structures.
- D. Architectural style, materials, etc., of neighborhood structures.
- E. Preservation of on-site trees; landscaping.
- F. Appropriate buffering or screening.
- G. Land use intensity.

Developer’s Evidence: Elevations and site plans must contain all the information required to determine compliance with this policy.

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.21. Developments shall meet the Subdivision requirements of Chapter 13 of the Town Code where applicable.

Developer’s Evidence: Attach preliminary plat and attachments.

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

p.22. Developments shall meet the requirement of the riverfront performance standards in Article IX of Chapter 15 of the Town Code where applicable.

Developer's Evidence:

Staff Comments:

Public Comment (hearing date _____):

List any conditions imposed pursuant to this policy:

SUMMARY SHEET

Conditional Use Permit . . .

_____ Approved, subject to the conditions enumerated.

Date: _____

Motion by: _____

Second by: _____

Vote: Aye _____ Nay _____

Vote certified _____

(Secretary)

Conditions:

_____ Rejected

Date: _____

Motion by: _____

Second by: _____

Vote: Aye _____ Nay _____

Vote certified _____

(Secretary)

List findings in favor of rejection:

TOWN OF THERMOPOLIS
CONDITIONAL USE PERMIT APPLICATION HOME OCCUPATION

DATE _____

NUMBER _____

A home occupation is a small business, profession or craft activity carried on within the home which is in a residential or agricultural district. (Town Code Section 15-504). Please complete each line below.

Application submitted by: _____
(last name) (first name) (middle name)

(street address)

(phone)

Owner of property: _____

Address of home occupation: _____

Describe proposed business: _____

The applicant or any affected individual may appeal the decision of the Town Planner within 15 days of the decision.

The applicant shall place the attached Conditional Use Permit request sign in a conspicuous location on the property, at least 7 days before the public hearing.

Town Code Sec. No. 15-504(e) requires publication of public hearing notices - fee payable to the Town of Thermopolis, Based on current advertising rates.

CONDITIONAL USE

PERMIT

REQUESTED

864-9285

HOME OCCUPATION CHECKLIST

Each home occupation must comply with all the following performance standards. Will your home occupation proposal comply with the following standards?

- | | YES | NO |
|--|-----|-----|
| 1. The business activity conducted at the home occupation location will be entirely within the dwelling, carried on by the inhabitants residing in the dwelling and not employing more than one employee to work in the dwelling. Related business activity, carried on at another location is not considered part of the home occupation and will comply with all requirements of that zoning district. | [] | [] |
| 2. The home occupation shall be clearly incidental and secondary to the use of the dwelling and shall not change the character thereof. | [] | [] |
| 3. The total area used for the home occupation shall not exceed one-half of the floor area of the dwelling. | [] | [] |
| 4. Exterior advertising will be limited to a nameplate type identification sign of the home occupation. (The sign may not exceed 4 sq.ft. and a Sign Permit is required.) | [] | [] |
| 5. There shall be only incidental sales of stock, supplies or products conducted on the premises. | [] | [] |
| 6. There shall be no exterior storage of material or equipment used as part of the home occupation. | [] | [] |
| 7. There shall be no offensive noise, vibrations, dust, smoke, odors, heat, or glare noticeable at or beyond the property line. | [] | [] |
| 8. Off-street parking adequate to accommodate the additional parking needs created by the home occupation shall be provided. | [] | [] |
| 9. A home occupation may include, but is not limited to the following: art studio, dressmaking or millinery work, professional office, offices for insurance or real estate sales, teaching, the renting of rooms to not more than two persons per dwelling, beauty parlor, and nursery school. | [] | [] |
| 10. A home occupation shall not be conducted in an accessory building or garage. | [] | [] |
| 11. A home occupation shall not be interpreted to include the following: animal hospital, repair shop, nursing home or restaurant. Ord. No. 624, 3/5/85, 26 | [] | [] |

Please explain if you have indicated that your proposed home occupation does not comply with any of the above standards. _____

I declare that the information provided on this application is true and correct to the best of my knowledge:

(name)

(date)

(For office use only)

HOME OCCUPATION PERMIT SUMMARY

Name: _____ Address: _____

Type of business: _____

Public hearing date: _____ Date sign posted: _____

Public notice date: _____ (Appeared in Independent Record)

CONDITIONAL USE PERMIT FOR HOME OCCUPATION. . . .

___ Approved, subject to conditions enumerated

___ Denied

Date: _____ Conditions
of approval or reason for denial:

(Signature)	(Title)	(Date)

PUBLIC INQUIRIES:

Name: _____ Date: _____
Comment:

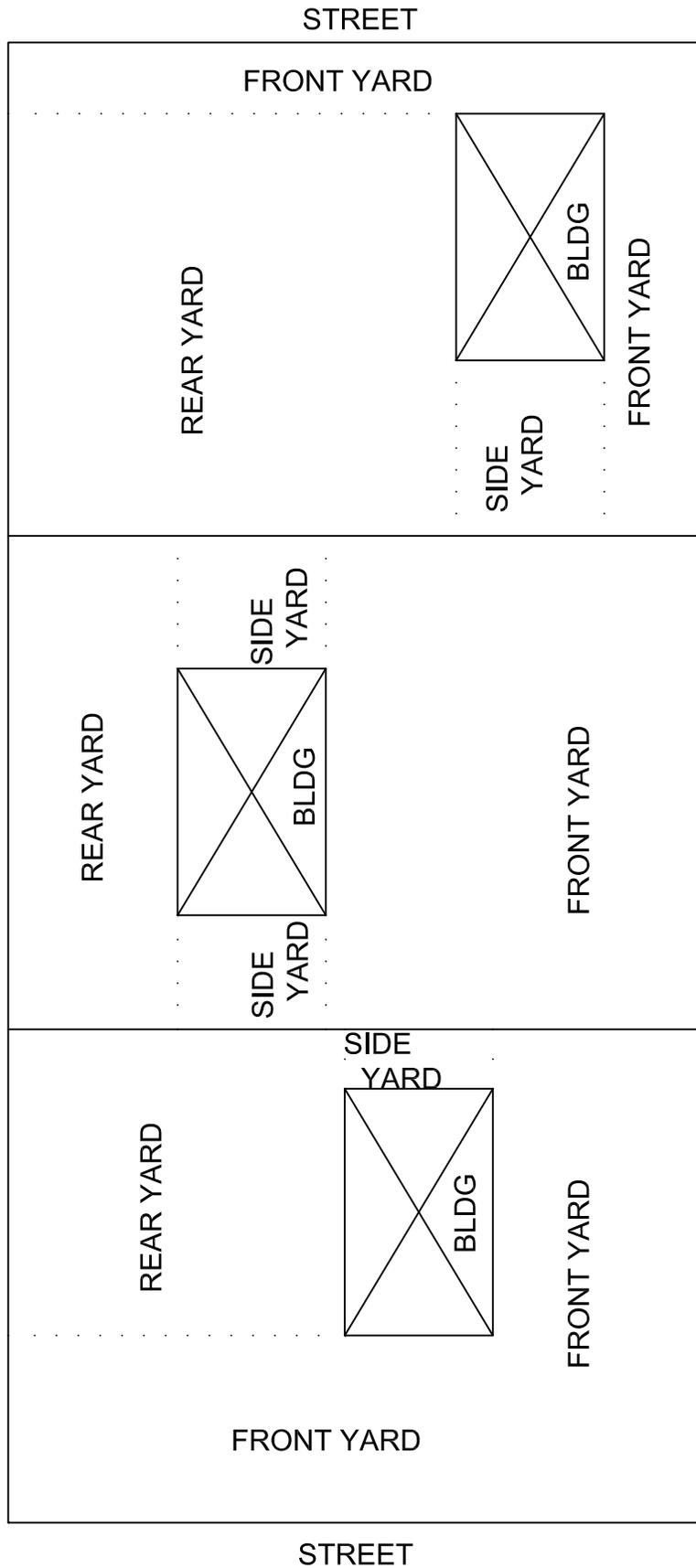
Name: _____ Date: _____
Comment:

Name: _____ Date: _____
Comment:

APPENDICES

Appendix D
ILLUSTRATION OF LOT LAYOUT
Referenced by 15-1103

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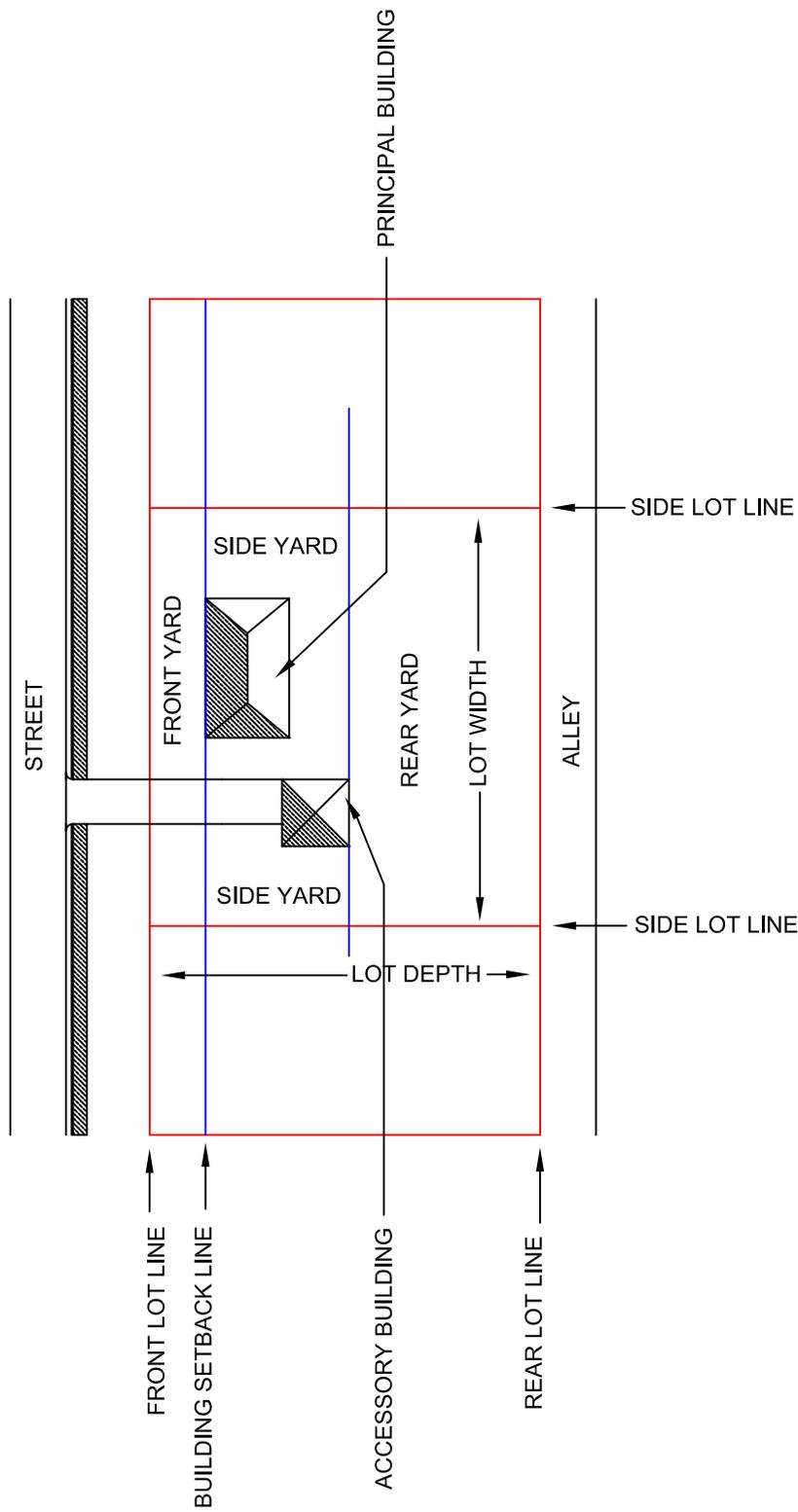
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APPENDICES

Appendix E

ILLUSTRATION OF LOT TERMS
Referenced by Ord. No. 598, 9/20/1982, 9

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NOTES:
 LOT AREA = TOTAL HORIZONTAL AREA
 LOT COVERAGE = PERCENT OF LOT OCCUPIED BY BUILDING AND IMPERVIOUS COVER
 BUILDING SETBACK FROM SIDE LOT LINE = MINIMUM 5 FEET
 BUILDING SETBACK FROM REAR LOT LINE = MINIMUM 10 FEET & 15 FEET FOR ACCESSORY BUILDING WITH ALLEY ACCESS

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APPENDICES

Appendix F

WASTEWATER RATES FOR RESIDENTIAL USERS,
THE CLASSES OF COMMERCIAL/NONRESIDENTIAL USERS, AND
THE FACTOR/MULTIPLIER APPLIED TO EACH
Referenced by Sections 14-306, 15-1102

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APPENDIX F

WASTEWATER RATES FOR RESIDENTIAL USERS, THE CLASSES OF COMMERCIAL/NON-RESIDENTIAL USERS, AND THE FACTOR/MULTIPLIER APPLIED TO EACH

USER TYPE	USER CATEGORY	BASE RATE MULTIPLIER	NOTES REGARDING BASIS OF MULTIPLIER	
Residential	Single Family (1 unit = 1 residence)	1.00	(Basis for 1 unit of sewer system use)	
	Apartment (1 apartment = 1 residence)	1.00	(Based on single family home)	
	Assisted-living Facility (2 rooms = 1 residence)	0.50	(Based on 1/2 of standard residential)	
	Dormitory-type living (5 rooms = 1 residence)	0.20	(Based on community bathroom/shower facilities)	
Business	Salon	1.00	(Based on type/amount of waste; chemical/detergent loading, etc.)	
	Professional/General/Office/Merchant (per office)	1.00	(Based on type/amount of waste; full/half bathrooms, small kitchens, showers, etc.)	
	Automotive	2.00	(Based on type/amount of waste; half bathrooms, wash basins, chemical loading)	
	Bakery	2.00	(Based on type/amount of waste; cooking waste, wash basins, food products loading)	
	Mortuary/Funeral Home	3.00	(Based on type/amount of waste; half bathrooms, chemical loading, biological waste)	
	Pool	3.00	(Based on type/amount of waste; half/three-quarter bathrooms, chemical loading, etc.)	
	Bar	2.00	(Based on type/amount of waste; half bathrooms, washing, food waste, etc.)	
	Museum	2.00	(Based on type/amount of waste; half bathrooms, commercial use)	
	Grocery			
	Car Wash (1 bay = 1.5 residences)	1.50	(Based on type/amount of waste; chemical/detergent loading, sand/particulate loading)	
	Laundry Facility (2 machines = 1 residence)	0.50	(Based on type/amount of waste; chemical/detergent loading, particulate loading)	
	Recreation (Bowling Alley, Gym w/out showers, Public Restrooms, etc.)	2.00	(Based on type/amount of waste; public use, half bathrooms, chemical/detergent loading, etc.)	
	School	Standard (20 persons = 1 residence)	0.05	(Based on type/amount of waste; bathroom use, lab waste, etc.)
		Gymnasium (10 persons = 1 residence)	0.10	(Based on type/amount of waste; bathroom use, showers, concession stand)
Auditorium (50 persons = 1 residence)		0.02	(Based on type/amount of waste; bathroom use, etc.)	
Motels/Hotels/Detention	Kitchenette (1 unit = 1 residence)	0.50	(Based on standard residential at 6 months per year)	
	Standard Room (1 room = 1/2 residence)	0.25	(Based on 1/2 of standard residential at 6 months per year; no kitchen)	
	Detention Center (1 cell = 1/4 residence)	0.25	(Based on 1/4 of standard residential; shared bathroom facilities)	
RV	Standard Spaces (1 space = 1 residence)	0.33	(Based on standard residential at 4 months per year)	
	RV Dumping Site (1 station = 3 residences)	1.00	(Based on standard residential & type of waste at 4 months per year)	
	Camping with facilities	0.00	(Based on dormitory-type living at 4 months per year full bathroom facilities/no kitchen)	
Medical	Standard Patient Rooms (1 unit = 1/2 residence)	0.50	(Based on 1/2 of standard residential; full bathroom facilities/no kitchen)	
	Surgical Rooms (1 unit = 2 residences)	2.00	(Based on type/amount of waste, sterilization, etc.)	
	Laboratories (Research/Medical) (1 unit = 2 residences)	2.00	(Based on type/amount of waste, sterilization, etc.)	
	Vet Clinics (1 surgical room = 2 residences)	2.00	(Based on type/amount of waste, sterilization, etc.)	
	Pet Boarding (1 kennel = 1/4 residence)	1.00	(Based on type/amount of waste, sterilization, etc.)	
Meat processing		3.00	(Based on DEQ-required onsite pre-treatment for large-scale operations; biological loading)	
Restaurants/cafeteria	Standard	3.00	(Based on standard services, frier, # of customers, etc. for one meal per day)	
	Extended Hours (Exceeding 6 hours per day)	3.00	(Based on full services, frier, etc. for at least 2 meals per day)	
Light Industrial	Taxidermy	3.00	(Based on type/amount of waste; chemical loading, biological waste)	
	Firearms	2.00	(Based on type/amount of waste; chemical loading)	
	Weed & pest	2.00	(Based on type/amount of waste; chemical loading, particulate loading)	
	Construction/Shop	2.00	(Based on type/amount of waste; chemical loading, particulate loading)	
Churches		1.00	(Decided to research the water use and loading of churches further and possibly implement an increase in the future)	

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APPENDICES

Appendix G

- EXHIBIT A Fees for Code Compliance Review, Building Permit, Plumbing Permit, Mechanical Permit and all other Permits
- EXHIBIT B Permit requirements
Referenced by Section 5-202

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APPENDIX G
EXHIBIT "A"
THERMOPOLIS MUNICIPAL CODE SECTION 5-202 PERMITS AND FEES

VALUATION		PERMIT FEE	
\$0.00	*****	\$500.00	\$24.50
\$501.00	*****	\$600.00	\$28.05
\$601.00	*****	\$700.00	\$31.35
\$701.00	*****	\$800.00	\$34.65
\$801.00	*****	\$900.00	\$37.95
\$901.00	*****	\$1,000.00	\$41.25
\$1,001.00	*****	\$1,100.00	\$44.55
\$1,101.00	*****	\$1,200.00	\$47.85
\$1,201.00	*****	\$1,300.00	\$51.15
\$1,301.00	*****	\$1,400.00	\$54.45
\$1,401.00	*****	\$1,500.00	\$57.75
\$1,501.00	*****	\$1,600.00	\$61.05
\$1,601.00	*****	\$1,700.00	\$64.35
\$1,701.00	*****	\$1,800.00	\$67.65
\$1,801.00	*****	\$1,900.00	\$70.95
\$1,901.00	*****	\$2,000.00	\$74.25
\$2,001.00	*****	\$3,000.00	\$89.10
\$3,001.00	*****	\$4,000.00	\$103.95
\$4,001.00	*****	\$5,000.00	\$118.80
\$5,001.00	*****	\$6,000.00	\$133.65
\$6,001.00	*****	\$7,000.00	\$148.50
\$7,001.00	*****	\$8,000.00	\$163.35
\$8,001.00	*****	\$9,000.00	\$178.20
\$9,001.00	*****	\$10,000.00	\$193.05
\$10,001.00	*****	\$11,000.00	\$207.90
\$11,001.00	*****	\$12,000.00	\$222.75
\$12,001.00	*****	\$13,000.00	\$237.60
\$13,001.00	*****	\$14,000.00	\$252.45
\$14,001.00	*****	\$15,000.00	\$267.30
\$15,001.00	*****	\$16,000.00	\$282.15
\$16,001.00	*****	\$17,000.00	\$297.00
\$17,001.00	*****	\$18,000.00	\$311.85
\$18,001.00	*****	\$19,000.00	\$326.70
\$19,001.00	*****	\$20,000.00	\$341.55
\$20,001.00	*****	\$21,000.00	\$356.40
\$21,001.00	*****	\$22,000.00	\$371.25
\$22,001.00	*****	\$23,000.00	\$386.10
\$23,001.00	*****	\$24,000.00	\$400.95
\$24,001.00	*****	\$25,000.00	\$415.80
\$25,001.00	*****	\$26,000.00	\$426.53
\$26,001.00	*****	\$27,000.00	\$437.25
\$27,001.00	*****	\$28,000.00	\$447.98
\$28,001.00	*****	\$29,000.00	\$458.70
\$29,001.00	*****	\$30,000.00	\$469.43
\$30,001.00	*****	\$31,000.00	\$480.15
\$31,001.00	*****	\$32,000.00	\$490.88
\$32,001.00	*****	\$33,000.00	\$501.60
\$33,001.00	*****	\$34,000.00	\$512.33

APPENDIX G
EXHIBIT "A"
THERMOPOLIS MUNICIPAL CODE SECTION 5-202 PERMITS AND FEES

VALUATION		PERMIT FEE	
\$34,001.00	*****	\$35,000.00	\$523.05
\$35,001.00	*****	\$36,000.00	\$533.78
\$36,001.00	*****	\$37,000.00	\$544.50
\$37,001.00	*****	\$38,000.00	\$555.23
\$38,001.00	*****	\$39,000.00	\$565.95
\$39,001.00	*****	\$40,000.00	\$576.68
\$40,001.00	*****	\$41,000.00	\$587.40
\$41,001.00	*****	\$42,000.00	\$598.13
\$42,001.00	*****	\$43,000.00	\$608.85
\$43,001.00	*****	\$44,000.00	\$619.58
\$44,001.00	*****	\$45,000.00	\$630.30
\$45,001.00	*****	\$46,000.00	\$641.03
\$46,001.00	*****	\$47,000.00	\$651.75
\$47,001.00	*****	\$48,000.00	\$662.48
\$48,001.00	*****	\$49,000.00	\$673.20
\$49,001.00	*****	\$50,000.00	\$683.93
\$50,001.00	*****	\$51,000.00	\$691.35
\$51,001.00	*****	\$52,000.00	\$698.78
\$52,001.00	*****	\$53,000.00	\$706.20
\$53,001.00	*****	\$54,000.00	\$713.63
\$54,001.00	*****	\$55,000.00	\$721.05
\$55,001.00	*****	\$56,000.00	\$728.48
\$56,001.00	*****	\$57,000.00	\$735.90
\$57,001.00	*****	\$58,000.00	\$743.33
\$58,001.00	*****	\$59,000.00	\$750.75
\$59,001.00	*****	\$60,000.00	\$758.18
\$60,001.00	*****	\$61,000.00	\$765.60
\$61,001.00	*****	\$62,000.00	\$773.03
\$62,001.00	*****	\$63,000.00	\$780.45
\$63,001.00	*****	\$64,000.00	\$787.88
\$64,001.00	*****	\$65,000.00	\$795.30
\$65,001.00	*****	\$66,000.00	\$802.73
\$66,001.00	*****	\$67,000.00	\$810.15
\$67,001.00	*****	\$68,000.00	\$817.58
\$68,001.00	*****	\$69,000.00	\$825.00
\$69,001.00	*****	\$70,000.00	\$832.43
\$70,001.00	*****	\$71,000.00	\$839.85
\$71,001.00	*****	\$72,000.00	\$847.28
\$72,001.00	*****	\$73,000.00	\$854.70
\$73,001.00	*****	\$74,000.00	\$862.13
\$74,001.00	*****	\$75,000.00	\$869.55
\$75,001.00	*****	\$76,000.00	\$876.98
\$76,001.00	*****	\$77,000.00	\$884.40
\$77,001.00	*****	\$78,000.00	\$891.83
\$78,001.00	*****	\$79,000.00	\$899.25
\$79,001.00	*****	\$80,000.00	\$906.68
\$80,001.00	*****	\$81,000.00	\$914.10
\$81,001.00	*****	\$82,000.00	\$921.53

APPENDIX G
EXHIBIT "A"
THERMOPOLIS MUNICIPAL CODE SECTION 5-202 PERMITS AND FEES

VALUATION		PERMIT FEE
\$82,001.00	*****	\$928.95
\$83,001.00	*****	\$936.38
\$84,001.00	*****	\$943.80
\$85,001.00	*****	\$951.23
\$86,001.00	*****	\$958.65
\$87,001.00	*****	\$966.08
\$88,001.00	*****	\$973.50
\$89,001.00	*****	\$980.93
\$90,001.00	*****	\$988.35
\$91,001.00	*****	\$995.78
\$92,001.00	*****	\$1,003.20
\$93,001.00	*****	\$1,010.63
\$94,001.00	*****	\$1,018.05
\$95,001.00	*****	\$1,025.48
\$96,001.00	*****	\$1,032.90
\$97,001.00	*****	\$1,040.33
\$98,001.00	*****	\$1,047.75
\$99,001.00	*****	\$1,055.18
\$100,001.00	*****	\$1,060.96
\$101,001.00	*****	\$1,066.74
\$102,001.00	*****	\$1,072.52
\$103,001.00	*****	\$1,078.30
\$104,001.00	*****	\$1,084.08
\$105,001.00	*****	\$1,089.86
\$106,001.00	*****	\$1,095.64
\$107,001.00	*****	\$1,101.42
\$108,001.00	*****	\$1,107.20
\$109,001.00	*****	\$1,112.98
\$110,001.00	*****	\$1,118.76
\$111,001.00	*****	\$1,124.54
\$112,001.00	*****	\$1,130.32
\$113,001.00	*****	\$1,136.10
\$114,001.00	*****	\$1,141.88
\$115,001.00	*****	\$1,147.66
\$116,001.00	*****	\$1,153.44
\$117,001.00	*****	\$1,159.22
\$118,001.00	*****	\$1,165.00
\$119,001.00	*****	\$1,170.78
\$120,001.00	*****	\$1,176.56
\$121,001.00	*****	\$1,182.34
\$122,001.00	*****	\$1,188.12
\$123,001.00	*****	\$1,193.90
\$124,001.00	*****	\$1,199.68
\$125,001.00	*****	\$1,205.46
\$126,001.00	*****	\$1,211.24
\$127,001.00	*****	\$1,217.02
\$128,001.00	*****	\$1,222.80
\$129,001.00	*****	\$1,228.58
\$130,001.00	*****	\$1,234.36

APPENDIX G
EXHIBIT "A"
THERMOPOLIS MUNICIPAL CODE SECTION 5-202 PERMITS AND FEES

VALUATION		PERMIT FEE	
\$131,001.00	*****	\$132,000.00	\$1,240.14
\$132,001.00	*****	\$133,000.00	\$1,245.92
\$133,001.00	*****	\$134,000.00	\$1,251.70
\$134,001.00	*****	\$135,000.00	\$1,257.48
\$135,001.00	*****	\$136,000.00	\$1,263.26
\$136,001.00	*****	\$137,000.00	\$1,269.04
\$137,001.00	*****	\$138,000.00	\$1,274.82
\$138,001.00	*****	\$139,000.00	\$1,280.60
\$139,001.00	*****	\$140,000.00	\$1,286.38
\$140,001.00	*****	\$141,000.00	\$1,292.16
\$141,001.00	*****	\$142,000.00	\$1,297.94
\$142,001.00	*****	\$143,000.00	\$1,303.72
\$143,001.00	*****	\$144,000.00	\$1,309.50
\$144,001.00	*****	\$145,000.00	\$1,315.28
\$145,001.00	*****	\$146,000.00	\$1,321.06
\$146,001.00	*****	\$147,000.00	\$1,326.84
\$147,001.00	*****	\$148,000.00	\$1,332.62
\$148,001.00	*****	\$149,000.00	\$1,338.40
\$149,001.00	*****	\$150,000.00	\$1,344.18
\$150,001.00	*****	\$151,000.00	\$1,349.96
\$151,001.00	*****	\$152,000.00	\$1,355.74
\$152,001.00	*****	\$153,000.00	\$1,361.52
\$153,001.00	*****	\$154,000.00	\$1,367.30
\$154,001.00	*****	\$155,000.00	\$1,373.08
\$155,001.00	*****	\$156,000.00	\$1,378.86
\$156,001.00	*****	\$157,000.00	\$1,384.64
\$157,001.00	*****	\$158,000.00	\$1,390.42
\$158,001.00	*****	\$159,000.00	\$1,396.20
\$159,001.00	*****	\$160,000.00	\$1,401.98
\$160,001.00	*****	\$161,000.00	\$1,407.76
\$161,001.00	*****	\$162,000.00	\$1,413.54
\$162,001.00	*****	\$163,000.00	\$1,419.32
\$163,001.00	*****	\$164,000.00	\$1,425.10
\$164,001.00	*****	\$165,000.00	\$1,430.88
\$165,001.00	*****	\$166,000.00	\$1,436.66
\$166,001.00	*****	\$167,000.00	\$1,442.44
\$167,001.00	*****	\$168,000.00	\$1,448.22
\$168,001.00	*****	\$169,000.00	\$1,454.00
\$169,001.00	*****	\$170,000.00	\$1,459.78
\$170,001.00	*****	\$171,000.00	\$1,465.56
\$171,001.00	*****	\$172,000.00	\$1,471.34
\$172,001.00	*****	\$173,000.00	\$1,477.12
\$173,001.00	*****	\$174,000.00	\$1,482.90
\$174,001.00	*****	\$175,000.00	\$1,488.68
\$175,001.00	*****	\$176,000.00	\$1,494.46
\$176,001.00	*****	\$177,000.00	\$1,500.24
\$177,001.00	*****	\$178,000.00	\$1,506.02
\$178,001.00	*****	\$179,000.00	\$1,511.80
\$179,001.00	*****	\$180,000.00	\$1,517.58

APPENDIX G
EXHIBIT "A"
THERMOPOLIS MUNICIPAL CODE SECTION 5-202 PERMITS AND FEES

VALUATION		PERMIT FEE	
\$180,001.00	*****	\$181,000.00	\$1,523.36
\$181,001.00	*****	\$182,000.00	\$1,529.14
\$182,001.00	*****	\$183,000.00	\$1,534.92
\$183,001.00	*****	\$184,000.00	\$1,540.70
\$184,001.00	*****	\$185,000.00	\$1,546.48
\$185,001.00	*****	\$186,000.00	\$1,552.26
\$186,001.00	*****	\$187,000.00	\$1,558.04
\$187,001.00	*****	\$188,000.00	\$1,563.82
\$188,001.00	*****	\$189,000.00	\$1,569.60
\$189,001.00	*****	\$190,000.00	\$1,575.38
\$190,001.00	*****	\$191,000.00	\$1,581.16
\$191,001.00	*****	\$192,000.00	\$1,586.94
\$192,001.00	*****	\$193,000.00	\$1,592.72
\$193,001.00	*****	\$194,000.00	\$1,598.50
\$194,001.00	*****	\$195,000.00	\$1,604.28
\$195,001.00	*****	\$196,000.00	\$1,610.06
\$196,001.00	*****	\$197,000.00	\$1,615.84
\$197,001.00	*****	\$198,000.00	\$1,621.62
\$198,001.00	*****	\$199,000.00	\$1,627.40
\$199,001.00	*****	\$200,000.00	\$1,633.18
\$200,001.00	*****	\$201,000.00	\$1,638.96
\$201,001.00	*****	\$202,000.00	\$1,644.74
\$202,001.00	*****	\$203,000.00	\$1,650.52
\$203,001.00	*****	\$204,000.00	\$1,656.30
\$204,001.00	*****	\$205,000.00	\$1,662.08
\$205,001.00	*****	\$206,000.00	\$1,667.86
\$206,001.00	*****	\$207,000.00	\$1,673.64
\$207,001.00	*****	\$208,000.00	\$1,679.42
\$208,001.00	*****	\$209,000.00	\$1,685.20
\$209,001.00	*****	\$210,000.00	\$1,690.98
\$210,001.00	*****	\$211,000.00	\$1,696.76
\$211,001.00	*****	\$212,000.00	\$1,702.54
\$212,001.00	*****	\$213,000.00	\$1,708.32
\$213,001.00	*****	\$214,000.00	\$1,714.10
\$214,001.00	*****	\$215,000.00	\$1,719.88
\$215,001.00	*****	\$216,000.00	\$1,725.66
\$216,001.00	*****	\$217,000.00	\$1,731.44
\$217,001.00	*****	\$218,000.00	\$1,737.22
\$218,001.00	*****	\$219,000.00	\$1,743.00
\$219,001.00	*****	\$220,000.00	\$1,748.78
\$220,001.00	*****	\$221,000.00	\$1,754.56
\$221,001.00	*****	\$222,000.00	\$1,760.34
\$222,001.00	*****	\$223,000.00	\$1,766.12
\$223,001.00	*****	\$224,000.00	\$1,771.90
\$224,001.00	*****	\$225,000.00	\$1,777.68
\$225,001.00	*****	\$226,000.00	\$1,783.46
\$226,001.00	*****	\$227,000.00	\$1,789.24
\$227,001.00	*****	\$228,000.00	\$1,795.02
\$228,001.00	*****	\$229,000.00	\$1,800.80

APPENDIX G
EXHIBIT "A"
THERMOPOLIS MUNICIPAL CODE SECTION 5-202 PERMITS AND FEES

VALUATION		PERMIT FEE	
\$229,001.00	*****	\$230,000.00	\$1,806.58
\$230,001.00	*****	\$231,000.00	\$1,812.36
\$231,001.00	*****	\$232,000.00	\$1,818.14
\$232,001.00	*****	\$233,000.00	\$1,823.92
\$233,001.00	*****	\$234,000.00	\$1,829.70
\$234,001.00	*****	\$235,000.00	\$1,835.48
\$235,001.00	*****	\$236,000.00	\$1,841.26
\$236,001.00	*****	\$237,000.00	\$1,847.04
\$237,001.00	*****	\$238,000.00	\$1,852.82
\$238,001.00	*****	\$239,000.00	\$1,858.60
\$239,001.00	*****	\$240,000.00	\$1,864.38
\$240,001.00	*****	\$241,000.00	\$1,870.16
\$241,001.00	*****	\$242,000.00	\$1,875.94
\$242,001.00	*****	\$243,000.00	\$1,881.72
\$243,001.00	*****	\$244,000.00	\$1,887.50
\$244,001.00	*****	\$245,000.00	\$1,893.28
\$245,001.00	*****	\$246,000.00	\$1,899.06
\$246,001.00	*****	\$247,000.00	\$1,904.84
\$247,001.00	*****	\$248,000.00	\$1,910.62
\$248,001.00	*****	\$249,000.00	\$1,916.40
\$249,001.00	*****	\$250,000.00	\$1,922.18
\$250,001.00	*****	\$251,000.00	\$1,927.96
\$251,001.00	*****	\$252,000.00	\$1,933.74
\$252,001.00	*****	\$253,000.00	\$1,939.52
\$253,001.00	*****	\$254,000.00	\$1,945.30
\$254,001.00	*****	\$255,000.00	\$1,951.08
\$255,001.00	*****	\$256,000.00	\$1,956.86
\$256,001.00	*****	\$257,000.00	\$1,962.64
\$257,001.00	*****	\$258,000.00	\$1,968.42
\$258,001.00	*****	\$259,000.00	\$1,974.20
\$259,001.00	*****	\$260,000.00	\$1,979.98
\$260,001.00	*****	\$261,000.00	\$1,985.76
\$261,001.00	*****	\$262,000.00	\$1,991.54
\$262,001.00	*****	\$263,000.00	\$1,997.32
\$263,001.00	*****	\$264,000.00	\$2,003.10
\$264,001.00	*****	\$265,000.00	\$2,008.88
\$265,001.00	*****	\$266,000.00	\$2,014.66
\$266,001.00	*****	\$267,000.00	\$2,020.44
\$267,001.00	*****	\$268,000.00	\$2,026.22
\$268,001.00	*****	\$269,000.00	\$2,032.00
\$269,001.00	*****	\$270,000.00	\$2,037.78
\$270,001.00	*****	\$271,000.00	\$2,043.56
\$271,001.00	*****	\$272,000.00	\$2,049.34
\$272,001.00	*****	\$273,000.00	\$2,055.12
\$273,001.00	*****	\$274,000.00	\$2,060.90
\$274,001.00	*****	\$275,000.00	\$2,066.68
\$275,001.00	*****	\$276,000.00	\$2,072.46
\$276,001.00	*****	\$277,000.00	\$2,078.24
\$277,001.00	*****	\$278,000.00	\$2,084.02

APPENDIX G
EXHIBIT "A"
THERMOPOLIS MUNICIPAL CODE SECTION 5-202 PERMITS AND FEES

VALUATION		PERMIT FEE	
\$278,001.00	*****	\$279,000.00	\$2,089.80
\$279,001.00	*****	\$280,000.00	\$2,095.58
\$280,001.00	*****	\$281,000.00	\$2,101.36
\$281,001.00	*****	\$282,000.00	\$2,107.14
\$282,001.00	*****	\$283,000.00	\$2,112.92
\$283,001.00	*****	\$284,000.00	\$2,118.70
\$284,001.00	*****	\$285,000.00	\$2,124.48
\$285,001.00	*****	\$286,000.00	\$2,130.26
\$286,001.00	*****	\$287,000.00	\$2,136.04
>\$500,000 = \$3,367.00 for first \$500,000 + 4.95 for each additional \$1,000 or fraction thereof to and including \$1,000,000			
>\$1,000,000 = \$5,842.00 for the first \$1,000,000 + \$3.30 for each additional \$1,000 or fraction thereof.			
Plumbing Permit: \$5.00 (Flat charge for all plumbing work related to a single project.			
Mechanical Permit: \$5.00 (Flat charge for all mechanical work related to a single project.			
Mobile Home Placement Permit: \$25/single wide - \$50/double wide - \$75/triple wide			
Fencing Permit: \$15.00 for each single project.			
Building Demolition/Moving Permit: \$15.00 for each single project.			
Street cut/Excavation Permit: \$20.00 for each single project.			
Sign Permit: Permit required - No fee assessed.			
Right-of-Way Agreements: \$75.00 for each single project.			
The Codes Administrator may authorize refunding of not more than 80% of a permit fee provided no work has been done and no more than 180 days have past since that fee was paid.			

APPENDIX G
EXHIBIT "B"
THERMOPOLIS MUNICIPAL CODE
SECTION 5-202 PERMITS AND FEES

IBC 2006 COMMERCIAL

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11 m²).
2. Oil derricks.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
5. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family dwellings.
11. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
12. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

APPENDIX G
EXHIBIT "B"
THERMOPOLIS MUNICIPAL CODE
SECTION 5-202 PERMITS AND FEES

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

APPENDIX G
EXHIBIT "B"
THERMOPOLIS MUNICIPAL CODE
SECTION 5-202 PERMITS AND FEES

IRC 2006 RESIDENTIAL

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²)
2. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
4. Sidewalks and driveways.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
9. Re-roofing, re-siding, and replacement of existing windows and doors in Group R3 and Group U occupancies.

Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.

APPENDIX G
EXHIBIT "B"
THERMOPOLIS MUNICIPAL CODE
SECTION 5-202 PERMITS AND FEES

8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

R105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

R105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

No permits shall be required for work solely regulated by the fire code adopted by the Town of Thermopolis.

All permits required above, for a single project, shall be listed on the plan review. The charges for each permit shall be listed, with a total for all permits, and paid as one lump sum by the property owner. The property owner shall obtain and pay for all permits. Permits shall not be valid until signed by the Town Codes Administrator and the required sum is paid to the Town Clerk. The Town Clerk may approve alternate payment methods and the related permits are valid from the date of that approval. A property owner may delegate the responsibility for obtaining permits to another, however, the legal responsibility including monetary penalties, the responsibility for obtaining those permits prior to start of work and paying for those permits shall remain the legal responsibility of the property owner.

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APPENDICES

Appendix H
(Not Used)

Reference to IBC Appendix H “Signs”

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APPENDICES

Appendix I

CURB AND GUTTER DIMENTIONS

Referenced by Ord. No. 467 and Section 7-506

GENERAL NOTES

1. SUBGRADE COMPACTION SHALL CONFORM TO SECTION 02231 OF WYOMING PUBLIC WORKS STANDARD SPECIFICATIONS.
2. 1/2" EXPANSION (ISOLATION) JOINT MATERIAL SHALL BE PLACED AT P.C., P.T., CURB TURNS, AND AT 100' MAXIMUM SPACING.
3. CONTROL JOINTS SHALL COMPLY WITH WYOMING PUBLIC WORKS STANDARD SPECIFICATIONS SECTION 02520. JOINTS SHALL BE LOCATED AT A MAXIMUM SPACING OF 8 FEET.
4. MAXIMUM DENSITY AND MOISTURE CONTENT SHALL BE DETERMINED USING ASTM-D698.
5. ALL CONCRETE SHALL BE CLASS A/F CONTAINING 4-7% ENTRAINED AIR AND 1.5 LB FIBER MESH PER CUBIC YARD. CONCRETE FOR WHEELCHAIR RAMPS WILL BE COLORED TERRA COTTA TO MATCH THE DOWNTOWN AREA RAMPS.
6. THE CONTRACTOR SHALL REMOVE EXISTING CONCRETE DESIGNATED TO BE REPLACED AND PROVIDE CRUSHED AGGREGATE BASE LEVELLED TO FINAL GRADE IN THE WORK AREA.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPACTING THE SUBGRADE PRIOR TO PLACING CRUSHED BASE AND FOR PLACING AND COMPACTING CRUSHED BASE.
8. CONTROL JOINTS SHALL BE ALIGNED WITHIN THE CURB AND GUTTER, SIDEWALK, AND RETAINING WALLS AT A MAXIMUM SPACING OF 8 FEET. ALL COMPONENTS SHALL BE SIMILARLY JOINTED. SPACING SHALL BE NO LONGER THAN THE WIDTH OF ADJOINING SIDEWALK.
9. CONTROL JOINTS SHALL BE CONSTRUCTED AT ALL RE-ENTRANT LOCATIONS SUCH AS BUILDING CORNERS, LIGHT POLE BASES, DROP INLET GRATES, SIGNS AND OTHER FIXTURES AS DIRECTED BY THE ENGINEER.
10. PLACE EXPANSION (ISOLATION) JOINT MATERIAL BETWEEN THE BACK OF CURB AND SIDEWALK WHERE NON-INTEGRAL CURB AND SIDEWALK ARE USED.
11. SAW CUT AND REMOVE 3 FEET OF ASPHALT MEASURED FROM THE FACE OF CURB.
12. MINIMUM SPACING BETWEEN SIDE FLARES ON TYPE "A" WHEELCHAIR RAMPS SHALL BE 5'.
13. SIDE FLARES OR WHEELCHAIR RAMPS IN CONCRETE AREAS SHALL BE A MAXIMUM OF 1" PER FOOT IN ALL TYPES OF RAMPS.
14. TOWN CODE REQUIRES ALL NEW AND REPLACEMENT SIDEWALK BE 5 FEET WIDE UNLESS OTHERWISE APPROVED. VERIFY SIDEWALK WIDTH INDICATED IN SUMMARY OF WORK.
15. REMOVAL OF DRIVEWAY CONCRETE WILL BE PAID AS REMOVAL OF CURB AND GUTTER OR REMOVAL OF SIDEWALK AS APPROPRIATE.

TOWN OF THERMOPOLIS
HOT SPRINGS COUNTY, WYOMING
GENERAL NOTES



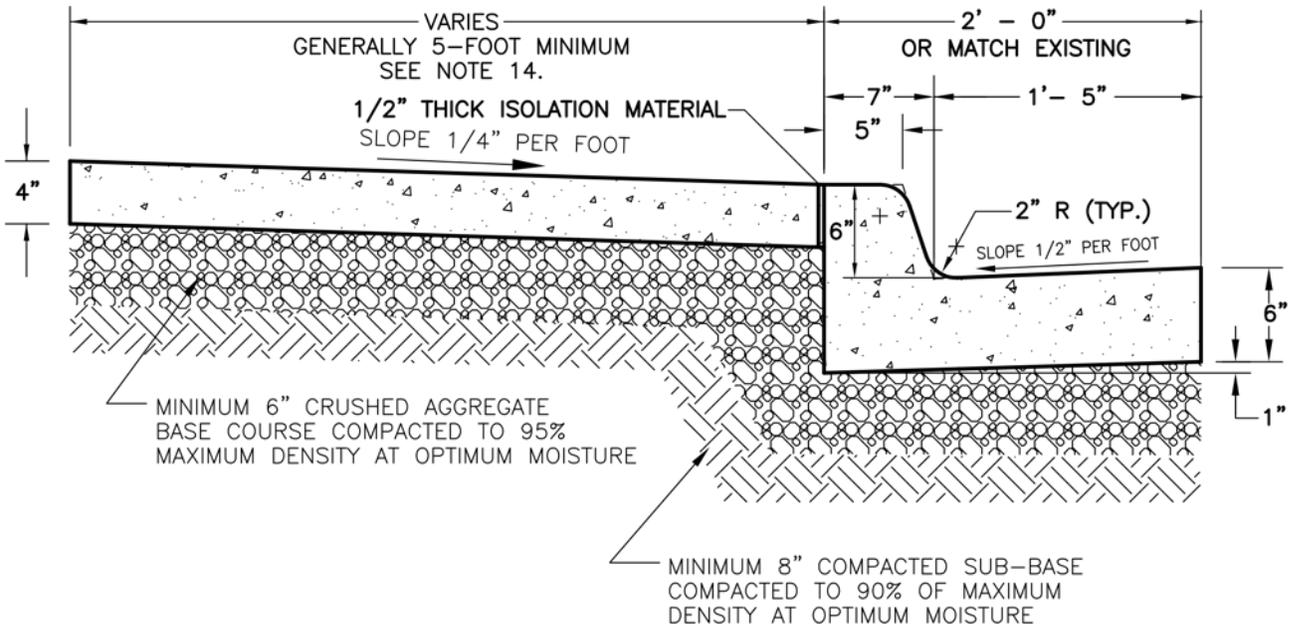
ENGINEERING ASSOCIATES, CODY, WYOMING
CONSULTING ENGINEERS & SURVEYORS

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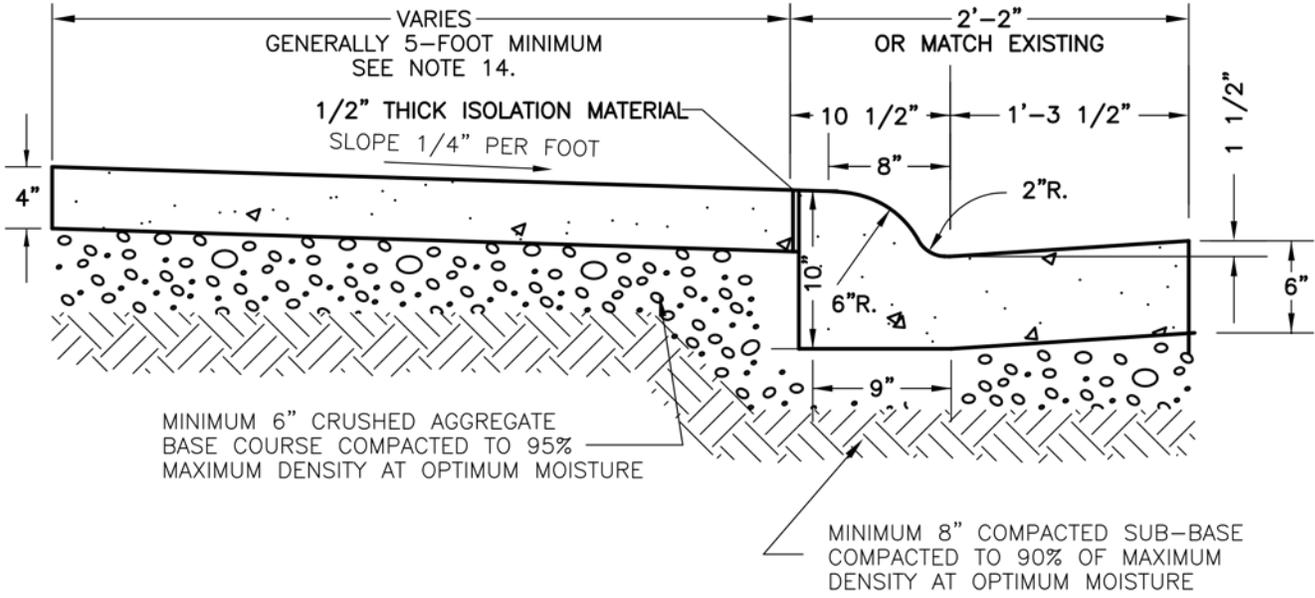
JUNE 8, 2005

SHEET 1 OF 8

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VERTICAL CURB, GUTTER, & SIDEWALK SECTION

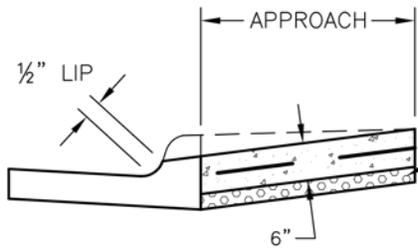


ROLLOVER CURB, GUTTER, & SIDEWALK SECTION

TOWN OF THERMOPOLIS
 HOT SPRINGS COUNTY, WYOMING
CURB AND GUTTER



ENGINEERING ASSOCIATES, CODY, WYOMING
 CONSULTING ENGINEERS & SURVEYORS

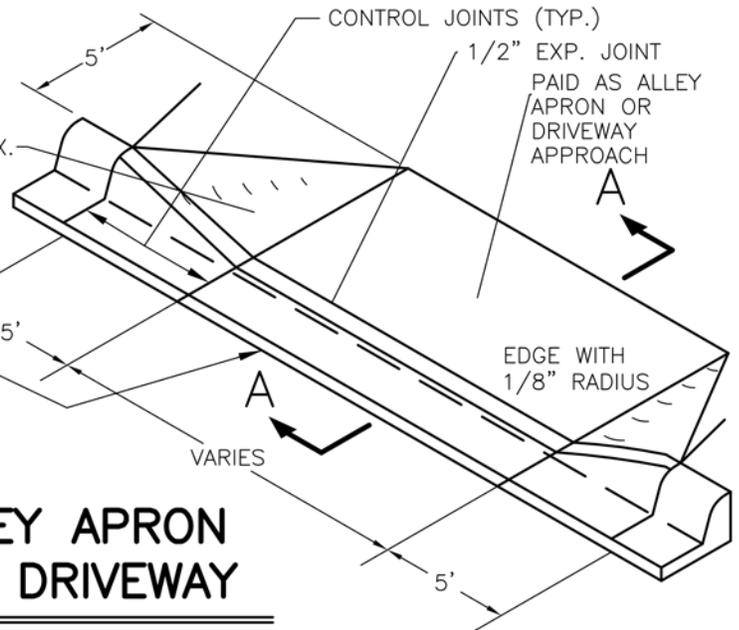


MINIMUM 6" CRUSHED AGGREGATE BASE
GRADING W COMPACTED TO 95%
MAXIMUM DENSITY AT OPTIMUM MOISTURE

SECTION A-A

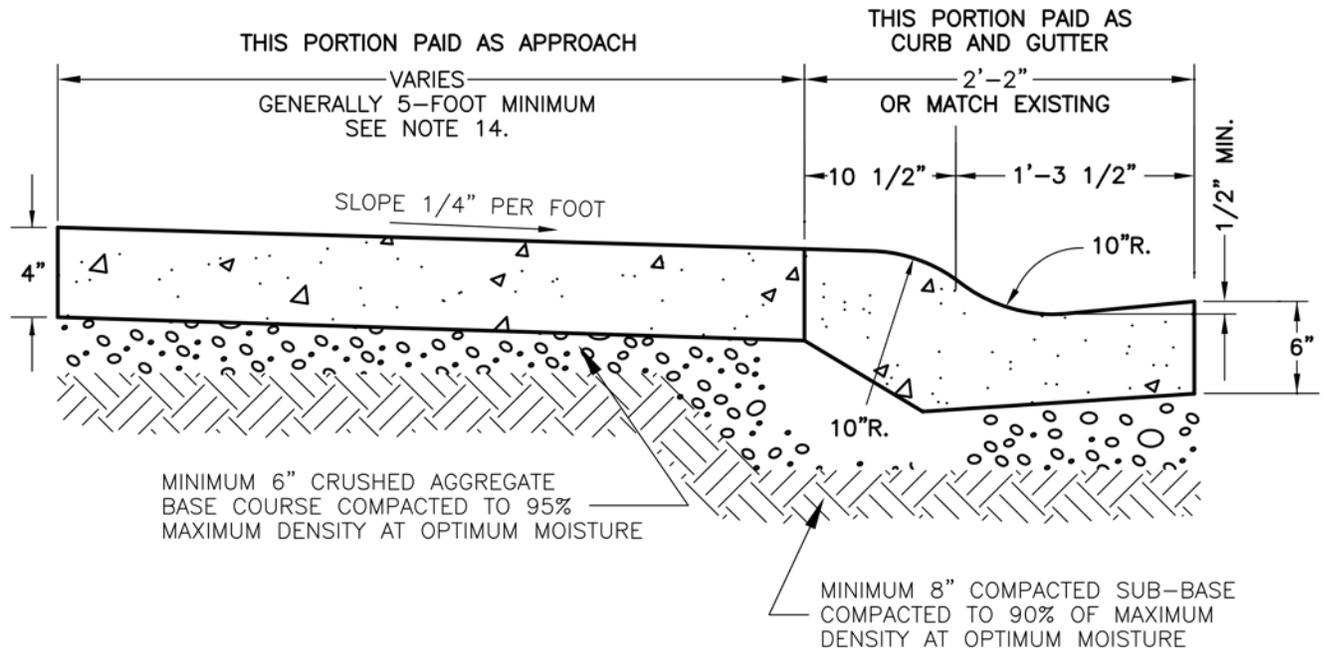
S = 0.08 FT\FT MAX.

PAID AS CURB AND GUTTER



NOTE: CONCRETE PLACED AT DRIVEWAY APRONS
SHALL BE 6" THICK.

**ALLEY APRON
AND DRIVEWAY**



**INTEGRAL CURB
& SIDEWALK SECTION**

TOWN OF THERMOPOLIS
HOT SPRINGS COUNTY, WYOMING
APRON AND INTEGRAL CURB



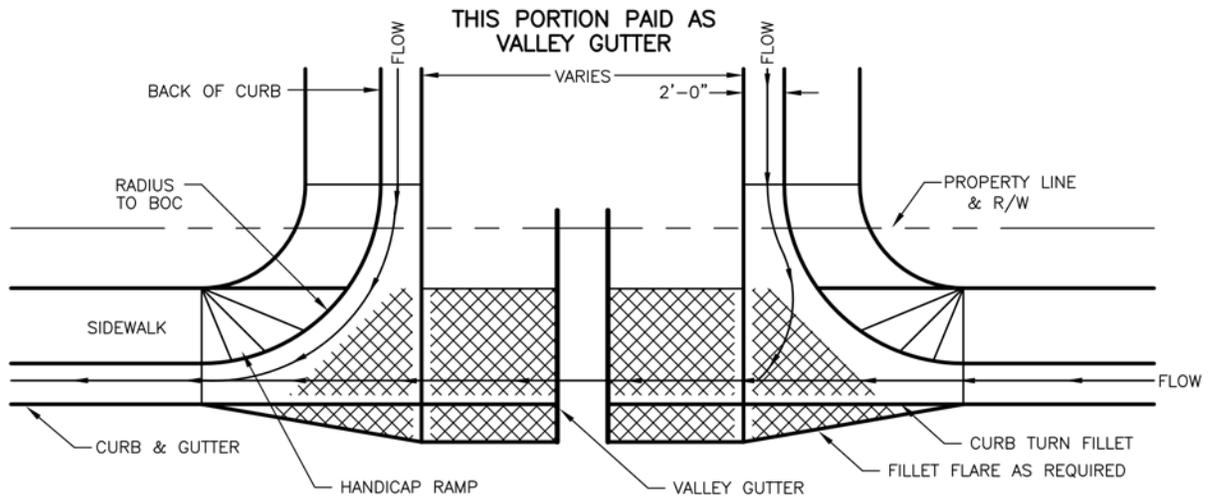
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JUNE 8, 2005

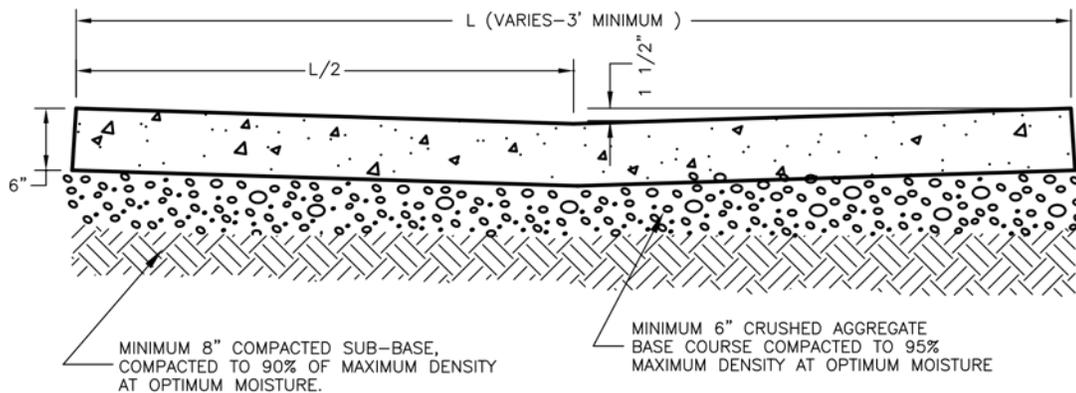
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NOTE: PROVIDE 1-FOOT FLARE WHEN FILLETS ARE INSTALLED AT THE LOCATION OF VALLEY GUTTER

TYPICAL STREET INTERSECTION DETAIL: CURB TURN FILLET, SIDEWALK & VALLEY GUTTER



TYPICAL VALLEY GUTTER AND DOUBLE GUTTER SECTION

TOWN OF THERMOPOLIS
HOT SPRINGS COUNTY, WYOMING
VALLEY GUTTER



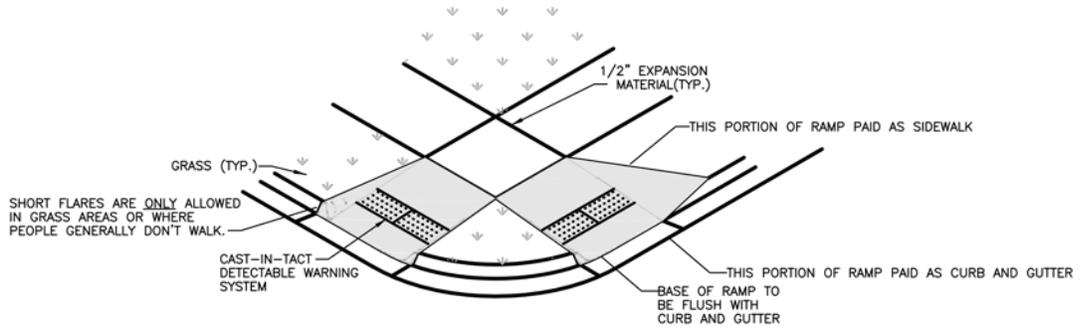
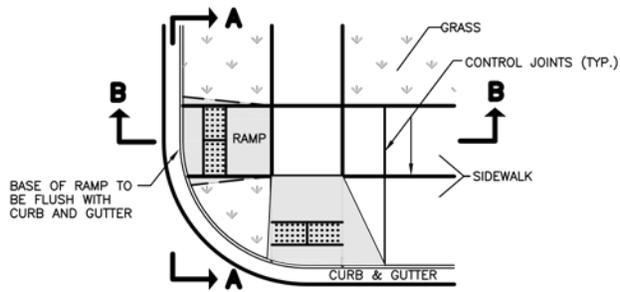
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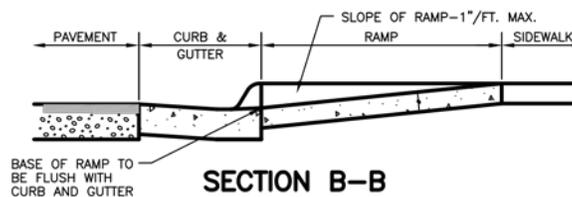
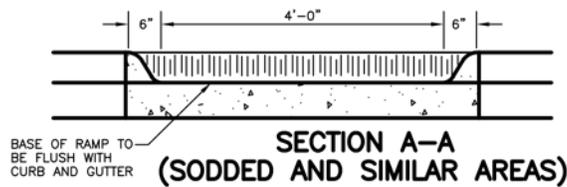
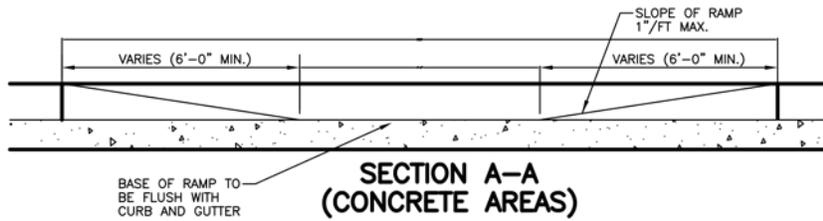
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RAMP NEAR CORNER - TYPE A



WHEELCHAIR RAMP DETAILS

TYPE "A"

TOWN OF THERMOPOLIS
HOT SPRINGS COUNTY, WYOMING
WHEELCHAIR RAMP DETAILS



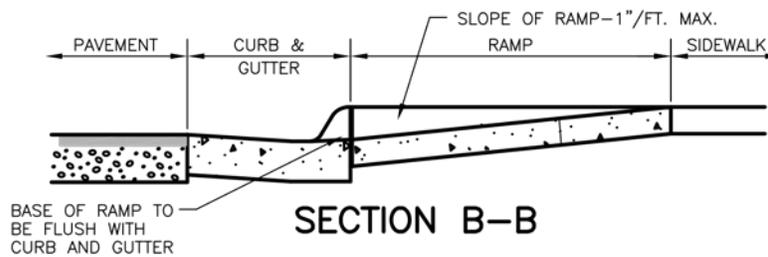
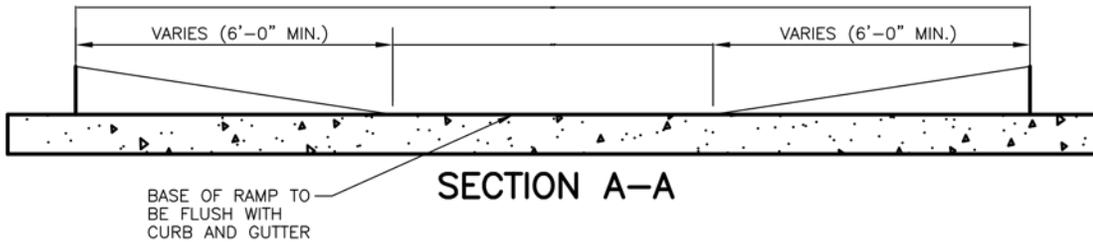
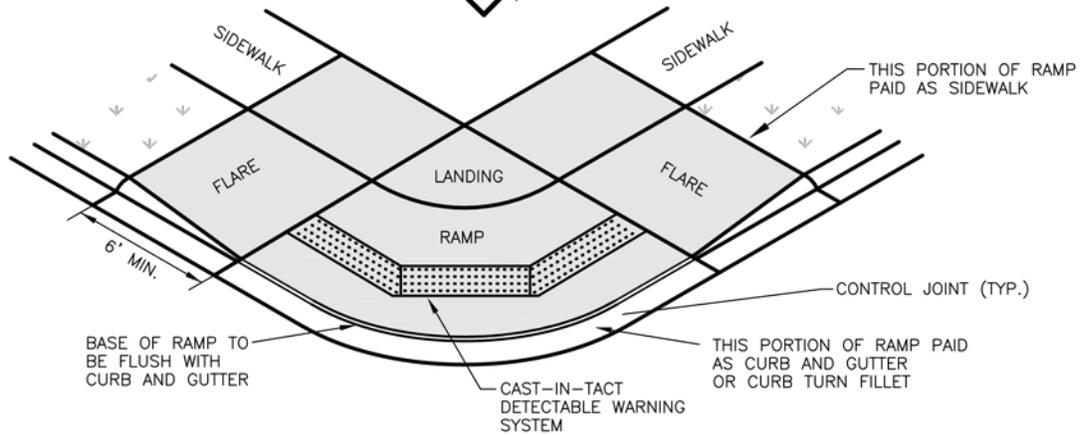
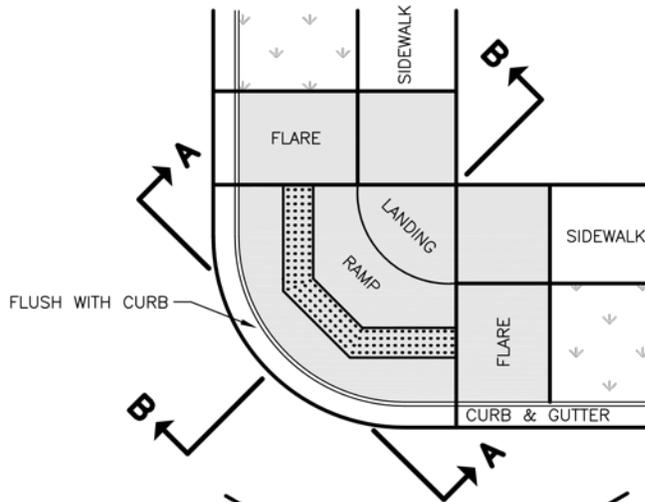
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JUNE 8, 2005

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WHEELCHAIR RAMP DETAILS

TYPE "C"

TOWN OF THERMOPOLIS
HOT SPRINGS COUNTY, WYOMING
WHEELCHAIR RAMP DETAILS



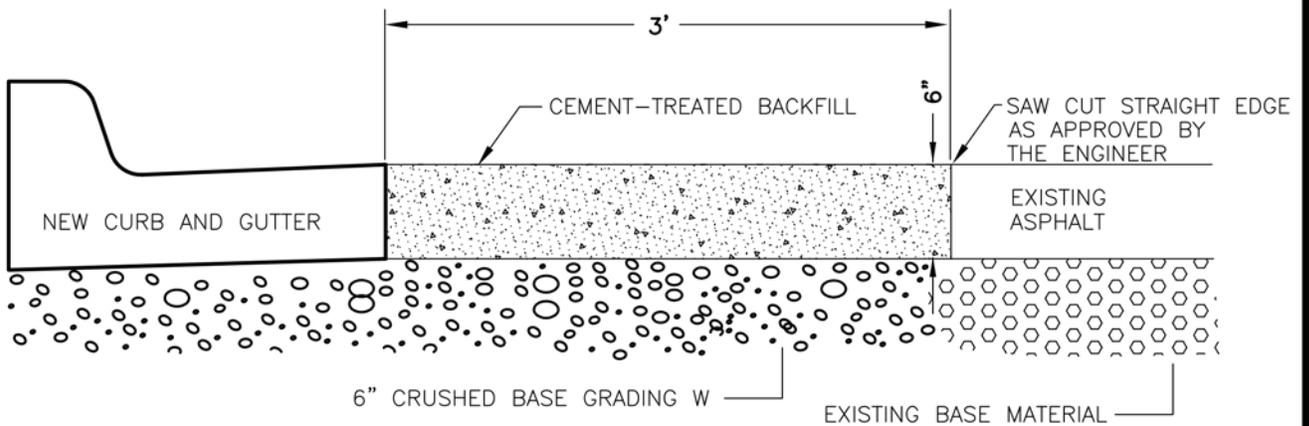
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JUNE 8, 2005

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TOWN OF THERMOPOLIS
 HOT SPRINGS COUNTY, WYOMING
**CEMENT TREATED
 BACKFILL DETAIL**



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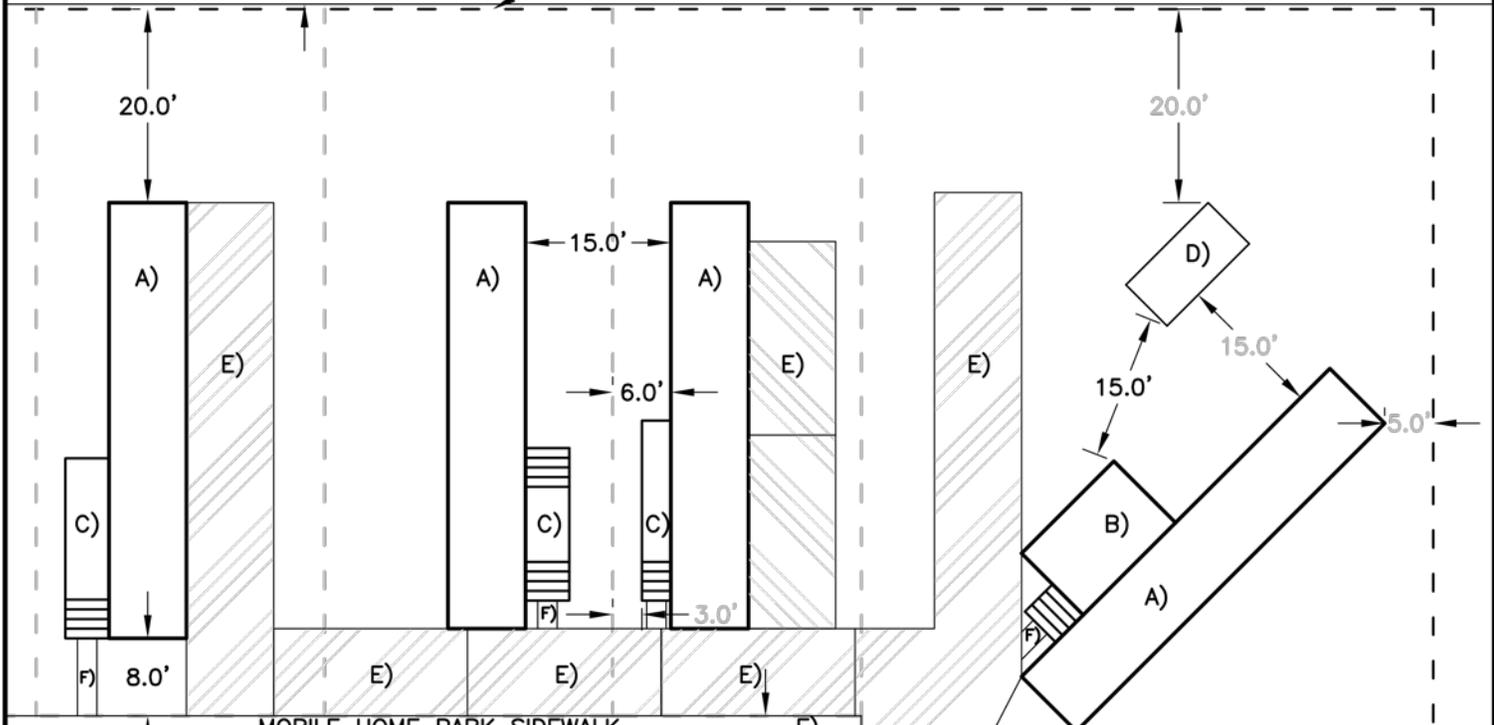
Appendix J

Mobile Home Parks

Referenced by Section 5 -516, Article VIII, Article XIII

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TOWN SIDEWALK 5.0' TOWN RIGHT-OF-WAY



MOBILE HOME PARK SIDEWALK

2.5'

MOBILE HOME PARK STREET

MOBILE HOME PARK SIDEWALK

APPENDIX A TO ARTICLE XIII MOBILE HOME PARKS

NOTE: USES/DEVELOPMENT SHALL ADHERE TO THE MORE RESTRICTIVE MUNICIPAL CODE

- A) MOBILE HOME (SEC. 5-801 & 15-106)
- B) ACCESSORY STRUCTURE (ATTACHED) (SEC. 5-801, 15-106, & 15-1301)
- C) UNCOVERED STEPS AND RAILINGS (SEC. 15-1301)
- D) ACCESSORY STRUCTURE (UNATTACHED) (SEC. 5-801, 15-106, & 15-1301)
- E) MOBILE HOME PARK PARKING SPACES (SEC. 15-1301 & SEC. 15-604)
- PARKING SPACES SHOWN ARE FOR REFERENCE ONLY, MINIMUM PARKING STANDARDS SHALL APPLY AS PER TOWN CODE
- F) MOBILE HOME PARK SIDEWALKS & WALKWAYS (SEC. 15-1301)
- OTHER CODES THAT INCREASE SIDEWALK WIDTHS MAY APPLY (TOWN CODE, ADA, ETC.)

MOBILE HOME PARK SIDEWALK

MOBILE HOME PARK STREET

MOBILE HOME PARK SIDEWALK

MOBILE HOME PARK BOUNDARY

16.0'

COMMON AREA SEC. 15-1301(K)

8.0'

8.0'

5.0'

3.0'

15.0'

2.5'

5.0'

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APPENDICES

Appendix K

ONSITE PARKING PERFORMANCE STANDARDS

Referenced by Sections 15-213, 15-602, 15-603

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APPENDIX K

ON-SITE PARKING PERFORMANCE STANDARDS

PROPOSED LAND USE	STANDARDS
Single family dwellings	2 spaces per dwelling
Duplexes	3 spaces each
High density residential uses	1.5 spaces per dwelling unit; adequate RV parking may be required for larger projects
Mobile home courts	2 spaces per mobile home unit; adequate RV parking may be required for larger projects; 1 addition space guest parking per 2 mobile home units
Residential subdivisions	2 spaces per dwelling; larger projects may be required to provide RV or off-street guest parking
Nursing or rest homes, similar resident care facilities	1 space for every 5 residents; an additional space for each detached residential unit; an additional space for every 2 resident employees
Day care centers	1 space for every two employees plus 1 additional space for every 10 children served
Schools	2 spaces for every classroom plus 1 additional space for every 8 secondary students; adequate off-street bus loading and unloading areas
Libraries	1 space for every 5 reading or study room seats
Sports arenas, theaters, auditoriums, churches	1 space for every 4 seats and/or 30 SF of floor area used for assembly area without fixed seating (secondary schools are exempted from this requirement)
Restaurants, bars, clubs, and similar uses; bowling alleys	1 space for every 3 fixed seats and/or 30 SF of floor area used for assembly, dancing, recreations, etc; 1 space for every 2 employees on the largest shift; 5 spaces per lane for bowling alleys (no use in this category shall provide less than 10 spaces)
Banks, similar financial institutions; real estate, insurance; business and professional offices; auto sales and service centers	1 space for every 300 SF
Clinics, medical offices	1 space for every 100 SF
Major appliance, furniture stores, general merchandise "discount" stores	1 space for every 400 SF; adequate loading areas
Other commercial uses	1 space for every 200 SF; adequate loading areas

APPENDIX K

ON-SITE PARKING PERFORMANCE STANDARDS

PROPOSED LAND USE	STANDARDS
Outdoor sales areas (boats, autos, RV's, implements, mobile homes, etc.)	1 space for every 1000 SF up to 10 spaces; an additional space for each additional 5000 SF; adequate loading areas
Industrial uses	1 space for every employee; space for all company owned vehicles; adequate space for salesmen, visitors, etc.; adequate loading areas and holding areas for vehicles awaiting loading and unloading
Mixed uses	Where mixed uses occur, parking space requirements should be determined on a proportional basis. Example: A single office building contains 6000 SF of usable floor area; 2000 SF will be devoted to a physician's suite, the rest to legal and accounting services. The physician's 2000 SF will need 20 parking spaces (1:100 SF); the remaining 4000 SF will need 13 spaces (1:300 SF), giving a total of 33 spaces
The square footage used to determine parking space requirements will be gross square footage devoted to a use's principal function. Services and support spaces, like restrooms, boiler rooms, and closets will not be included.	

(Ord. No. 624, 3/5/85, 21)

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