

Title 8

HEALTH AND SAFETY

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Chapter 8.04

GARBAGE AND REFUSE

Sections:

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8.04.010 Definitions.

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

- A. "Garbage" means waste resulting from the handling, preparation, cooking or consumption of food; wastes from handling, storage, and sale of produce; and other matter whatsoever that may decompose and become foul, offensive, unsanitary or dangerous to health.
- B. "Hauler" means any person who transports garbage or refuse from any premises within the Town of Hanna.(Ord. 389 S1 2021)
- C. "Home office" means an office located in a home and used for recordkeeping, bookkeeping, insurance and clerical purposes.
- D. **"INDIVIDUAL HOUSEHOLD" SHALL MEAN A GROUP OF INDIVIDUALS WHO REGULARLY RESIDE TOGETHER IN A PREMISE FROM WHICH GARBAGE AND REFUSE IS COLLECTED.**
- E. "Person" means any institution, public or Private Corporation, individual, partnership or other entity.
- F. "Premises" means land, building, or other structures, vehicles or parts thereof, upon or in which refuse is stored.
- G. "Refuse" means combustible and noncombustible discarded materials including, but not limited to, paper, wood, glass, metal, and cloth products, yard trimmings, tree branches, furniture, bedding, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing processes so long as the industrial and manufacturing wastes are nontoxic and noncorrosive.
- H. "Responsible authority" is the legally designated authority of the town of Hanna, i.e., the mayor and town council or their authorized representatives who shall be authorized and directed to implement and enforce the provisions of this chapter. (Ord. 130 §1, 1981) (Ord. 207 b 2008).

8.04.020 Maintenance of premises generally.

- A. It shall be the duty of any owner, agent, tenant, purchaser, contractor or lessee of any premises within the municipality including places of business, dwelling houses, apartments, tenements, construction sites or other establishments, at all times to maintain the premises in a clean and orderly condition, permitting no deposits or accumulation of materials, garbage and refuse other than those necessary or ordinarily attendant upon construction or upon the use for which such premises are legally intended. Any such accumulation is declared to constitute a nuisance and a nonconforming use of the premises and is prohibited under this chapter.
- B. All such persons, where cooking or eating is done, shall place garbage in containers which are suitable for the purpose of holding all garbage and refuse without running over. (Ord. 181 §1, 1984; Ord. 130 §2, 1981)

8.04.030 Receptacles required.

- A. To provide for the regular deposit of garbage, trash and refuse as required in this chapter, it shall be the duty of every owner, agent lessee, renter or purchaser of any building or premises (excluding only vacant lots) within the town of Hanna, to forthwith provide, and maintain in good order and in clean condition for the exclusive use of such building and premises, one or more sanitary receptacles to conform with the requirements of this chapter, and of ample size to accommodate the equivalent of one week's deposit of garbage, except as applies to business establishments as described in this chapter. No such receptacles shall be allowed to overflow or be so constructed that garbage, trash or refuse may be blown or scattered about in any way. Such receptacle shall be sanitary, shall be washed out at regular intervals as necessary, and shall be kept tightly covered, and placed in such a position as to facilitate and aid the removal thereof.
- B. All garbage cans and refuse containers shall be constructed of galvanized iron, metal or other materials approved by the municipality, shall be water tight, shall have a close fitting lid or cover and shall be at all times maintained in a position so as to prevent the ingress or egress of flies and insects.
- C. Such cans shall be secured in such a manner as to provide reasonable security against being overturned by animals, wind or other causes. (Ord. 130 §3, 1981)

8.04.040 Removal.

- A. It is unlawful for any firm, person or corporation to collect garbage, trash or refuse for hire without having first secured from the mayor and town council a permit to do so.
- B. The mayor and town council are authorized to issue a permit, upon proper application and payment of not exceeding one hundred dollars permit fee each year, or so much thereof as the mayor and town council may decide at the end of the year.
- C. Each permitted garbage, trash or refuse collector shall provide a covered tank or truck, so constructed that the contents will not leak or spill there from. The truck or conveyance used shall be kept as clean and free as possible of offensive odors, and shall not be allowed to stand in any street, alley or public place longer than is reasonable necessary to collect garbage. It is unlawful for any garbage, trash or refuse hauler as a collector for hire, to dump any garbage, trash or refuse in Town owned dumpsters or at the Hanna Municipal Waste Station. (Ord. 389 S2 2021)
- D. Any person hauling his own garbage, trash, or refuse shall deposit the same in a Town provided dumpster or at the Hanna Municipal Waste Station.(Ord. 389 S2 2021)
- E. It is unlawful for any garbage, trash or refuse hauler, as a private individual or as a collector for hire, to allow any garbage, trash or refuse to spill, drop, fall or remain on the ground or any other place.
- F. Garbage, trash, and refuse conveyed to Town provided dumpsters or the Hanna Municipal Waste Station must be bagged, tied, covered or secured in such a manner that it cannot be strewn upon the streets. (Ord. 389 S2 2021 Ord. 181 §2, 1984: Ord. 130 §4, 1981)

8.04.050 Persons responsible for removing certain types of refuse.

The owners or persons responsible therefore shall not permit any unnecessary accumulations and shall be held responsible for the immediate removal to the Town provided dumpsters or the Hanna Municipal Waste Station of garbage, trash and refuse as follows: (Ord. 389 S3 2021)

- A. Refuse from Business Establishments. Discarded automobile parts, stoves, furniture, wool, hides, furs, junk yard refuse, packing or slaughterhouse refuse, and tire shop refuse shall be removed periodically 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 Hanna Municipal Waste Station by the establishment creating such deposits. Any accumulation of refuse that is highly explosive or inflammable, which might endanger life or property, shall be removed to such place as approved by the Mayor and Town Council, such removal to be handled by the establishments responsible therefore, such as garages, filling stations, dry cleaning plants, etc. (Ord. 389 S3 2021)
- B. Contractor and or Construction Refuse. Large amounts of Contractor refuse may not be taken to The Hanna Municipal waste station or put in town dumpsters. Large construction, remodeling or demolition projects will require resident or contractor to supply their own dumpster or roll off. (Ord. 389 S3 2021)
- C. Decoration Refuse. Christmas tree vendors and professional decorators shall remove all refuse coincident with their profession.
- D. Manure. Other than light spread of manure which may be applied on lawns or gardens for fertilizing purposes, manure shall not be kept on any premises for any purpose, or kept in places for later use, but must either be plowed under or removed by the owner, occupant or agency. Where regularly accumulated, manure shall be periodically removed by the proprietors of the establishment.
- E. Building Materials. All plaster, broken concrete, stone, wood, roofing materials, wire or metal binding, sacks or loose discarded or unused materials of all kinds, resulting from the wrecking, construction or reconstruction of any room, basement, wall, fence, sidewalk or building, shall be promptly removed by the person responsible for the work. Such person shall be held liable for any scattering of such refuse upon adjacent property.
- F. Dead Animals. It shall be the duty of every person being the owner of, or having in his possession or charge, wild game, or other animal which in any manner comes to its death within the town of Hanna, to immediately remove the body or carcass of such animal to the Hanna Municipal Waste Station or Town Provided dumpster. (Ord. 389 S3 2021)
- G. All Other Refuse. All other refuse which may be classed as a regular accumulation of waste resulting from addresses on file with the town.
 - 1. The giving of notice required herein shall be complete upon deposit of such notice in the United States mail, postage prepaid, addressed as required herein.
 - 2. After the passage of ten days from the deposit of notice in the United States mail as required in subsection 1 of this section, the town shall file a lien statement properly acknowledged and containing a true legal description of the property in the Office of the county clerk and ex officio register of deeds.
 - 3. Upon the proper filing of such lien statement, the lien shall be considered a lien on the property for all purposes.

Any such lien may thereafter be foreclosed by appropriate action in court or in the manner provided by law for the foreclosure of a mortgage by advertisement and sale as set forth in Section 34-4-102, et seq., W.S., 1977. (Ord. 207, 1987; Ord. 180, 1983; Ord. 172 §1, 1982; Ord. 130 S10, 1981) (Ord. 207b 2008)

8.04.060 Designated disposal facilities.

The Hanna Municipal Waste Station as heretofore established shall be used by the town of Hanna for disposal of all ashes, refuse, garbage, and other waste material or matter except toxic or corrosive waste, collected and removed from the municipality. (Ord. 389 S4 2021 Ord. 130, 1981)

8.04.070 Rules and Regulations.

- A. The disposal of refuse, garbage and trash in dumpsters and at the Hanna Municipal Waste Station shall be governed by the rules and regulations established by the Town of Hanna. (Ord. 389 S5 2021)
- B. No person shall, without permission of the Town of Hanna, remove any article or object which has been deposited or dumped at dumpsters provided by the Town of Hanna or Hanna Municipal Waste Station. (Ord. 389 S5 2021 Ord. 130, 1981)

8.04.80 Burning of garbage.

Burning of garbage and refuse within the town of Hanna shall be prohibited. (Ord. 130, 1981)

8.04.090 Use of other places for disposal prohibited.

It is unlawful for any person, firm or corporation to use land or places within the Jurisdictional limits of the town of Hanna other than dumpsters provided by the Town of Hanna or Hanna Municipal Waste Station for the purposes of dumping ashes, refuse, garbage, waste or other matter. (Ord. 389 S6 2021 Ord. 130, 1981)

8.04.100 Fees, Penalties, and Payment for Service
(Ord. 389 2021 Ordinance 379 2018)

- A. Fees for disposal of garbage shall be set by the Town Council and are set as follows:
 - Residential: \$34.00 per kitchen unit per month for use of public dumpsters.
 - Business: \$48.88 for one (3 cubic yard) dumpster of material per month
\$5.00 per additional (3 cubic yard) dumpster of material per month
dumpsters must be accessible to Town of Hanna trash truck year round in all weather conditions. (Ord. 389 S7 2021)

- B. Any person hauling garbage, trash, or refuse to the Hanna Municipal Waste Station must stop at the waste station office show proof of residence (i.e. Town of Hanna utility bill) and pay appropriate fees. (Ord. 389 S7 2021)

Waste taken to the Hanna Municipal Waste Station: \$12.00 per cubic yard

Refrigeration units: \$35.00 each

Tires

Auto and light truck tires: \$4.00 each

Heavy truck and light industrial tires: \$10.00 each

Heavy Equipment tires \$75.00 each

Mounted, solid or foam filled Double the fee

Non-User: \$21.00 per month
(Ord. 389 S7 2021)

- C. To qualify for the “non-user” fee for garbage disposal, the owner of the premises from which garbage and/or refuse is collected must enter an agreement with the Town that the premises will be vacant and/or the premises will not be used for a minimum of three (3) months. In no event shall the owner of the premises or property qualify for a non-user fee for garbage disposal in excess of twelve (12) consecutive months.
- D. Where two or more businesses or enterprises are carried on in the same building, each business or enterprise shall be charged the rate provided for such business or enterprise.
- E. Fees for garbage disposal must be paid by the owner, occupant, user, or responsible person of every premises or property from which garbage and/or refuse is collected. In situations where the premises owner does not occupy the premises, it shall be the ultimate responsibility of the premises owner to pay all fees for disposal of garbage.
- F. All monthly bills shall be due and payable by the property owner on or before the tenth (10th) day of the month following that in which the service was rendered. Accounts will not be prorated and a property or user benefiting from services for part of a month shall pay a full month’s fee.
- G. Property owners shall have the right to dispute the amount of the garbage disposal charge until the twentieth (20th) day of the month. All monthly bills will contain a statement informing of the right to dispute the amount of the garbage disposal charge by the twentieth (20th) day of the month by contacting the Town Clerk in writing, specifying the factual basis of the dispute. For any such timely dispute, the Town Clerk, or some other individual designated by the Town Clerk as an employee empowered to resolve the dispute, shall determine the specific amount owed, if any. If it is determined the garbage disposal billing is correct, the Town

shall give written notice of such determination together with notification that unless the billing is paid within five (5) days subsequent, the account will be deemed delinquent.

- H. Service charge for delinquent accounts:
1. Absent a timely dispute, an account will be deemed delinquent if full payment is not received on or before the tenth (10th) day of the month. In such a case, a service charge equal to Ten Percent (10%) of the monthly bill will be assessed on all delinquent accounts on the twenty-first (21st) day of the month.
 2. In the event of a timely dispute, a service charge equal to Ten Percent (10%) of the monthly bill will be assessed if the account is deemed delinquent due to non-payment within five (5) days of the Town determining the garbage disposal billing is correct.
- I. Unless prior payment arrangements have been made with the Town Clerk, a turn-off fee will be charged if water service is discontinued for any reason, including delinquency. A turn-on fee plus all outstanding charges for garbage disposal service, service charges, administrative collection fees incurred in collecting delinquent accounts, and the turn-off fee must be paid before service is restored.
- J. At any time an account for garbage and refuse disposal has been delinquent for sixty (60) or more calendar days, water service may be turned off to the property upon five (5) calendar days' notice of the Town's intent to turn off the water service. Notice of intent to turn off the water service is deemed accomplished if:
1. A notice is deposited in the U.S. Mail with sufficient postage affixed and addressed to the property owner at the address for billing purposes, and/or
 2. A notice is deposited in the U.S. Mail with sufficient postage affixed and addressed to the occupant of the premises at the address for billing purposes.
- K. Any account for garbage disposal services remaining delinquent for ninety (90) calendar days or more shall become a lien upon the property benefitted by the garbage disposal services after the following steps have been taken:
1. The Town shall give ten (10) calendar days' notice, in writing, to the property owner at the address for utility billing purposes of its intent to file a lien against the property. Such notice shall reasonably describe the property and set forth the amount claimed by the Town. The street address shall be sufficient to describe the property in the notice. It shall be sufficient to mail the notice to the property owner at the street address if there is not a utility billing address or other address on file with the Town. The notice required herein shall be

complete upon deposit of such notice in the U.S. Mail, postage prepaid, addressed as required herein.

2. After expiration of the ten (10) day notice, the Town may file a lien statement properly acknowledged and containing a true legal description of the property in the Office of the County Clerk and Ex-Officio Register of Deeds, Carbon County, Wyoming.
 3. Upon the filing of such lien statement, the lien shall be considered a lien on the property for all purposes.
- L. Any such lien may thereafter be foreclosed by appropriate action in a court of competent jurisdiction or in the manner provided by law for the foreclosure of a mortgage by advertisement and sale as set forth in the Wyoming Statutes.
- M. The Town may, at its option, concurrently pursue turning off water service to the property and establishing a lien. These remedies are cumulative, not elective. In addition, the Town may, at its option, pursue collection of the debt in any manner allowed by law at any time after a bill becomes delinquent. (Ord. 370 May 10, 2016)

8.04.110 Violation --Penalty

Any person, persons, firm or corporation who is responsible for failure to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than seven hundred fifty dollars for each violation with court costs. Each day shall constitute a separate violation. (Ord. 130, 1981).

Chapter 8.08

STORAGE OF FLAMMABLE LIQUIDS AND GAS

Sections:

- 8.08.010 Requirement.
- 8.08.020 Violations--Penalties.

8.08.010 Requirement.

All flammable liquids and gases shall be stored in such a manner as to not endanger persons or property and shall be stored in compliance with all applicable town ordinances, state and federal laws, rules and regulations. The storage of propane and butane liquids and gases above ground shall be in accordance with the Uniform Fire Prevention Code, recommended by the American Insurance Association, the latest edition thereof. (Ord. 227 51, 1989: Ord. 29 51, 1971)

8.08.020 Violation--Penalty.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars, and each day violation is permitted to exist shall constitute a separate offense. In addition to the criminal action provided in this section, the town of Hanna may bring such legal action or proceedings deemed necessary to restrain, correct or abate such violation. (Ord. 29 52, 1971).

Chapter 8.12

AIR QUALITY STANDARDS

Sections:

- 8.12.010 Restrictions on discharge or emission of contaminants.
- 8.12.020 Establishment of ambient air standards or emission control requirements.
- 8.12.030 Amendment.
- 8.12.040 Complaint--Investigations--Enforcement.
- 8.12.050 Violation--Penalty.

8.12.010 Restriction on discharge or emission of contaminants.

No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form within five miles of the corporate limits of the town of Hanna so as to cause pollution within the town of Hanna which violates the rules, regulations, and standards adopted by the administrator of air quality of the Department of Environmental Quality after consultation with the advisory board in accordance with the

Wyoming Environmental Quality Act, Title 35, Chapter 9.1, W.S. 1957, as amended. (Ord. 64 §1, 1978)

8.12.020 Establishment of ambient air standards or emission control requirements.

Rules, regulations and standards adopted by the administrator of air quality of the Department of Environmental Quality on or before May 9, 1978, are adopted and incorporated in this chapter as though fully set forth in this chapter. (Ord. 162, 1982: Ord. 64 §1, 1978)

8.12.030 Amendment.

Amendments to the rules, regulations and standards adopted by the administrator of air quality of the Department of Environmental Quality shall automatically amend the ordinance codified in this chapter and the rules, regulations and standards incorporated in this chapter as of the effective date thereof as though such amendments were set forth in full in this chapter. (Ord. 64 §1, 1978)

8.12.040 Complaint--Investigations--Enforcement.

If the mayor of the town of Hanna as cause to believe that any persons are violating any provisions of this chapter or any rule, regulation or standard incorporated in this chapter and further has cause to believe that the administrator of the air quality division of the Department of Environmental Quality has refused, neglected and failed and continues to refuse, neglect and fail to enforce said rule, regulation or standard, the mayor shall cause a prompt investigation to be made. If, as a result of the investigation, it appears that a violation exists which the administrator of the air quality division of the Department of Environmental Quality has refused, neglected and failed to enforce, the mayor shall cause a complaint to be filed in the police court of the town of Hanna. (Ord. 64 §4, 1978)

8.12.050 Violation—Penalty.

Violation of the provisions of this chapter shall be punished by a fine of not exceeding two hundred dollars. (Ord. 64 §5, 1978)

Chapter 8.16

EMERGENCY WATER RATIONING

Sections:

- 8.16.010
- 8.16.020 Definition of user. Watering
- 8.16.030 schedule.
- 8.16.040 Waste of water prohibited.
- 8.16.050 Abatement of rates to indigent persons.
- 8.16.060 Garden variances.
- 8.16.070 Enforcement.
Violation--Penalty.

8.16.010 Definition of user.

- "User" means;
- A. Any user, residential, commercial, or industrial within the town limits of Hanna, Wyoming;
 - B. Any user, residential, commercial or industrial outside of the town limits, but who receives or purchases water from the town of Hanna's water supply;
 - C. Any agency or form of government agency which uses water for any purpose other than drinking or for sanitary functions: schools, post office, etc. (Ord. 56 51, 1977)

8.16.020 Watering schedule.

- A. Any user whose house number or number assigned by the town of Hanna to any business, residence or vacant lot, with lawn, grass or garden planted therein whose number ends with an even number (0, 2, 4, 6, 8) will be allowed to water on Mondays, Wednesdays and Fridays between the hours of seven p.m. and nine p.m.
- B. Any user whose house number or number assigned by the town of Hanna to any business, residence or vacant lot, with lawn, grass or garden planted therein whose number ends with an odd number (1, 3, 5, 7, 9) will be allowed to water on Tuesdays, Thursdays, and Saturdays between the hours of seven p.m. and nine p.m.
- C. Hanna Elk Mountain School will be allowed to water the football field for two hours between the hours of eight p.m. and ten p.m. on Mondays, Tuesdays, Wednesdays and Thursdays.
- D. Any user outside of the town limits must submit to the town office within seven days of the ordinance codified in this chapter being published, their watering schedule not to be more than six hours per week. (Ord. 56 §2, 1977)

8.16.030 Waste of water Prohibited.

No person shall permit any waste of water through excessive sprinkling, or sprinkling out of prescribed hours, faulty fixtures, leaking hose or any cause whatever. If any person permits any waste of water, the commissioner shall forthwith cause the water to be turned off from the premises upon which such waste shall occur, until the cause of the waste is corrected and all charges and fines for the violation of this section, including the fee of five dollars for reconnecting such premises with the municipal water works system, are paid. (Ord. 56 53, 1977)

8.16.040 Abatement of rates to indigent persons.

The town council shall have authority in its discretion to grant abatement upon the acts of this chapter to indigent persons. (Ord. 56 54, 1977)

8.16.050 Garden variances.

Any person who is living within the town limits on a fixed income may apply to the town council for a variance for one hour every other day of the week (excluding Saturday and Sunday) for watering their garden (and garden only). "Garden" means any plot of ground where herbs, fruits and vegetables are cultivated. (Ord. 56 55, 1977)

8.16.060 Enforcement.

Enforcement of this chapter will be by any police officer, water commissioner or any employee of the town of Hanna. Enforcement may be honored and enforced by filing a written complaint with the town's police justice. (Ord. 56 57, 1977)

8.16.070 Violation--Penalty.

Any person who violates any of the provisions of this chapter or any part of the rules or regulations of the water commission approved by the town council or who fails to pay any assessment, charge or rent as provided by this chapter, or fail to do any act or thing required of him by the provisions of this chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, before the municipal (police) justice of the town, he shall be fined not less than twenty dollars, nor more than two hundred dollars for each offense. (Ord. 56, 56,1977)

Chapter 8.20

FIREWORKS

Sections:

8.20.010 Discharge prohibited--Exception.

8.20.010 Discharge prohibited--**Exaction**.

From and after the effective date of the ordinance codified in this chapter, it is unlawful and punishable as a misdemeanor in the town of Hanna for any person to discharge firecrackers or fireworks within the boundaries of the town of Hanna except on the Fourth of July of each year. (Ord. 94 §1, 1979)

Chapter 8.24

ACCUMULATIONS OF WASTE AND JUNK

Sections:

- 8.24.010 Definitions.
- 8.24.020 Prohibited acts.
- 8.24.030 Nuisance abatement.
- 8.24.040 Violation--Penalty,
- 8.24.050 Litter Prohibited.
- 8.24.060 Removal--Voluntary consent—Affidavit
- 8.24.070 Disposal--Assessment of costs
- 8.24.080 Search warrant
- 8.24.090 Property maintenance--Owner and occupant responsibility
- 8.24.100 Abatement--Court action authorized
- 8.24.110 Litter removal--Authorization--Notice--Cost to be a lien
- 8.24.120 Littering--General restrictions—Prosecution
- 8.24.130 Nuisance Citations
- 8.24.140 Penalty
- 8.24.150 Title to Impound Vehicles
- 8.24.160 Notice of Removal
- 8.24.170 Redemption of Impounded Vehicles
- 8.24.180 Liability of Owner or Occupant
- 8.24.190 Abandoned ice boxes or refrigerators
- 8.24.200 General Dangerous Conditions
- 8.24.210 Severability
- 8.30.5 Enforcement

Section 8.24.010 Nuisance Defined

The various nuisances described and enumerated in this section shall not be deemed to be exclusive, but shall be in addition to all other nuisances described and prohibited in this code. (Ord. 333, 5-2010)

- A. **Obnoxious, Offensive Odors.** The emission of obnoxious and offensive odors; the tainting of the air rendering it offensive and/or unwholesome so as to affect the health or comfort of persons residing in the neighborhood thereof, shall constitute a public nuisance. (Ord. 333, 5-2010)
- B. **Discharging of Offensive Matter.** The placing, throwing or discharging from or out of any house or premises, of any filthy, foul or offensive matter, liquid or effluent of any kind, into any street, alley or public place, or upon any adjacent lot or ground, shall constitute a public nuisance.
- C. **Water Pollution.** The obstruction or pollution of any watercourse or source of water supply in the Town.
- D. **Stagnant Water.** Any stagnant pool of water in the Town.

- E. **Emission of Dense Smoke.** The emission of dense smoke from any fire, chimney, engine, oil burner or other agency in the Town so as to cause annoyance or discomfort to the public. For the purpose of testing and grading the density of smoke the Ringelmann Smoke Chart as published and used by the United States Geological Survey shall be the standard for such grading, and smoke shall be defined as and declared to be dense when it is of a degree of density of number three of the chart, or greater, for more than six minutes in any one hour, whether such period of time is consecutive or not.
- F. **Certain Weeds.** Weeds determined to be noxious by the Wyoming Weed and Pest Council and as defined in Chapter 30 in Title 8, any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the Town.
- G. **Maximum Height Permitted.** Any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, growing to a height exceeding eight inches anywhere in the Town except naturally occurring plant life in undeveloped areas of Town.
- H. **Abandoned, Junked, etc., Vehicles.** Unlicensed, abandoned or junk vehicles and parts or remains thereof parked upon private property, public property, public streets, alleys or ways are declared to be nuisances unless an exemption exists under Paragraph 4 herein. The presence of an unlicensed vehicle abandoned, wrecked, dismantled, derelict or inoperative vehicle, on private or public property, that is declared to constitute a public nuisance may be abated as such in accordance with the provisions of this chapter.
1. The tearing down, stripping or junking of such vehicles shall be permitted only where and when such use is specifically authorized, permitted or licenses under other ordinances of the Town and in strict accordance therewith; or which use is conducted entirely within the confines of an accessory garage building or behind a fences as defined in Paragraph 4 (a) herein, then only provided that such vehicle is the property of the owner or occupier of the lot and that such use is not a commercial use of the property, unless such use is authorized by other ordinances of the Town.
 2. A vehicle shall be deemed to be “abandoned” under any of the following circumstances; provided, however, that a vehicle left unattended due to adverse road or weather conditions, acts of God, or mechanical difficulties shall not be deemed to be abandoned for the period required to see the passage of the condition or a reasonable time to remove the vehicle for repairs:
 - a. If the vehicle is left unattended on a public street, highway, alley, parking lot or other public property within the jurisdictional limits of the Town for more than twenty-four hours after a notice to impound has been placed upon the vehicle pursuant to the provisions of Section 8.16.030 and the vehicle has been impounded and the notice of impound has been given pursuant Wyoming Statutes § § 31-13-101, et seq.;

- b. If the vehicle has been left unattended on private property without the consent of the owner or person in lawful possession thereof.
- 3. **Derelict Vehicles.** A vehicle, or parts thereof, shall be deemed to be "derelict" if the vehicle is:
 - a. Inoperable to the extent that it is unable to perform its original intended function;
 - b. Partially or wholly dismantled;
 - c. Wrecked to the extent that prevents legal operation;
 - d. Junked or intended to be recycled or scrapped;
 - e. An Unlicensed vehicle

- 4. **Exemptions.** This section defining derelict and abandon vehicles shall not apply to the following:
 - a. A vehicle that is enclosed in a secure building or sheltered. "Unsheltered" means located outside a garage or other building and visible upon any public street, alley, sidewalk or right-of-way or any adjoining piece of property. Items stored entirely within an enclosed garage, covered or completely shielded by a fence and not visible from the street or other public or private property shall be considered to be sheltered whether or not the garage doors or fence are open from time to time.
 - b. A vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of the business enterprise;
 - c. A vehicle in an appropriate storage or depository facility maintained in a lawful place and manner by a governmental agency;
 - d. An antique motor vehicle as defined in W.S. 31-2-210 which is licensed as provided by law.
 - e. A vehicle which is covered by an intact custom car cover made for the specific type and size of vehicle which it covers.
 - 1. In no instance may a person have more than four (4) such covered vehicles unsheltered on his or her property.
 - 2. No covered vehicle may be stored on public property or right-of-way.
 - f. A race car that is currently actively engaged in racing and equipped for racing with roll cage, motor, windows removed, drivers name, sponsors, and number displayed. There is a limit of four (4) race cars on his or her property. Demolition cars are not considered race cars

for purposes of this chapter. Demolition cars shall be considered derelict vehicles two weeks after the demolition derby.

I. **Junk.** “Junk” Any iron, glass, weeds, metal, lumber, stumps, grass, trash, straw, hedge trimmings, cut tree branches, paper, cordage, cloth, construction debris, building materials not intended for immediate use, or other waste or discarded material of any nature or substance whatsoever, or any scrap or salvage materials which are left or permitted to remain for any unreasonable period of time upon any real property located within the Town or any Town property within or without the corporate limits of the Town or upon or within 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 shall constitute a nuisance.

1.

J. **Foul, Offensive Conditions.** Any cellar, vault, private drain, pool, privy, sewer or grounds upon any premises owned or occupied by any person who becomes nauseous, foul, offensive or injurious to the public health, or any grounds or other premises in such condition as to be offensive and/or unwholesome to the neighborhood shall constitute a nuisance.

K. **Any refrigerator or freezer, electronic equipment or appliances** which are not being utilized for its intended use. (Ord. 333, 5-2010)

L. Light Source facing neighboring property.

1. No artificial lighting shall shine directly upon any neighboring property or be so established that it shall shine directly upon any neighboring property or shall shine directly on or into any room or rooms, porches or patios of any neighboring structures or property as to be a nuisance. Nor shall any artificial lighting be maintained or operated from any structure or land in such a way as to be a nuisance to neighboring properties or as to impair vision through inordinate glare.
2. Exterior lighting facing neighboring property shall be hooded or shielded so that it does not produce an objectionable or inordinate glare on the neighboring property.
3. Any prohibited lighting now in existence, in connection with a permitted use or granted variance or in connection with a valid nonconforming use, which violates or does not conform to the provisions hereof shall be altered, removed or replaced in conformity with the provisions hereof.
4. The following are exempt from the provisions of this ordinance:
 - A. Traffic control signals and devices;
 - B. Street lights installed prior to the effective date of this ordinance;
 - C. Temporary emergency lighting (i.e. fire, police, repair workers);

- D. Moving vehicle lights;
- E. navigation lights (i.e. airports, heliports, radio/television towers);
- F. Lighted signs that conform to the Town's sign ordinance;
- G. Seasonal decorations with individual lights in place;
- H. Sports field outdoor lighting (i.e. ball fields, football, soccer, ice rink, etc.);
- I. Other special situations approved by the Town for Temporary or periodic events (i.e. rodeos, revivals, fairs, fiestas, carnivals, nighttime construction);
- J. Covered porch lighting on single-family or multi-family homes;
- K. Security lights of any wattage that are controlled by a motion-sensor switch. (Ord. 333 May 2010).
- L. Keeping of Fowl (chickens, laying hens etc.)—Permit.
The keeping, stabling and corralling of fowl, without a valid permit in any zoned district within the Town is considered a nuisance.

Section 8.24.020 Prohibited acts.

The accumulation or storage of derelict, abandoned, wrecked, dismantled, unlicensed or inoperative vehicles, weeds, litter 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 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. Therefore, the presence of junk, litter, weeds, or an abandoned, derelict, wrecked, dismantled or inoperative vehicle, or unlicensed vehicle 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 chapter. It is unlawful for any person to maintain or permit the existence of any nuisance on any property within the Town. Any person who may be in violation of this section shall, in addition to any penalty that may be imposed for the violation of this code, be subject to the provisions of this chapter

Section 8.24.030 Notice to abate nuisance—Compliance required

- A. It shall be the duty of any person receiving the notice of a public nuisance as provided in this chapter to comply with the provisions of the notice and to abate such nuisance within fourteen (14) days after the receipt of such notice, and if such person shall fail or refuse to abate such nuisance within fourteen (14) days from receipt of such notice

without just cause, such failure is declared to be unlawful and shall constitute a misdemeanor. Each day such nuisance persists shall constitute a separate violation.

- B. It is unlawful and shall constitute a misdemeanor for any person, after having received notice as provided in this chapter, 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.
- C. If the nuisance is not abated within the time provided, and after notice as provided by 8.16.040 the Town may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists or both.

Section 8.24.040 Notice to abate nuisance -- Contents -- Procedure

- A. Whenever the Town Marshal or his appointed representative is of the opinion that any condition is a public nuisance as defined herein, the Town Marshal or representative shall attempt to give written notice to the owner of the condition, if his or her address is known, to the owner of the land where the condition is located, and to any other person or entity known by the Town manager to have a security interest in the vehicle or junk. The 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:
 - 1. A statement that a certain condition is a nuisance within the provisions of Section 8.24.010; in the case of a vehicle, the notice should include make, year and vehicle identification number if reasonably possible;
 - 2. A description of the real property, by street address or otherwise, on which the nuisance exists;
 - 3. A statement that such nuisance must be abated within fourteen (14) days from the date on the notice;
 - 4. A statement that if the nuisance is not abated within the time provided, the Town may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists or both;
 - 5. 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 clerk of municipal court within fourteen (14) 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;

6. A statement that failure to abate the nuisance may result in a Town abatement and/or criminal charges.
- C. In the event that notice, as provided in subsection A of this section, cannot be given to each individual known by the Town Marshal or his representative to have an interest in the vehicle or junk, service shall be made by publication. Such notice by publication shall be made by one publication in a newspaper of general circulation in Carbon 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 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.

Section 8.24.050 Hearing procedure

- 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 municipal court clerk within fourteen (14) 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 or junk.
- B. In the event of a public nuisance as defined in Section 8.24.010, of which notice has been given, and which remains unabated for more than fourteen (14) days, the Town Marshal or his representative shall may application to the Municipal Judge or such other individual or group as designated by the Town council to act as a hearing examiner for an order to abate, remove or cause the removal of the vehicle or junk; provided, however, that if a proper request for hearing is filed, abatement shall only proceed upon after a hearing and order of the municipal judge or hearing examiner.
- C. In the event a request for hearing is filed as provided, a hearing shall be held before the municipal judge 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 chapter. Notice of the time, place and hour of the hearing shall be sent at least ten days in advance of the hearing to the requesting parties and the Town attorney.

- D. At such hearing, all parties and the Town 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, municipal judge or 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 municipal judge or the hearing examiner, as the case may be, may resolve or order that the Town Marshal and/or Town employees or agents remove or otherwise abate the nuisance; provided, however, that if the circumstances justify, in the opinion of the municipal judge 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 hearing examiner or municipal judge 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 Section 16-3-114 of the Wyoming Statutes, 1977. The municipal judge or 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 or appeal, as provided, is not filed, the right to a hearing shall be considered to have been waived.

Section 8.24.060 Removal--Voluntary consent--Affidavit

The owner of any vehicle or junk or the owner of real property where any junk or vehicle has been abandoned 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 unless waived by the Town the owners will reimburse the Town for the actual costs of removal or such other costs as are established by the Town manager for such removal; and that such reimbursement will be made to the Town within thirty 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.

Section 8.24.070 Disposal--Assessment of costs

- A. Any vehicle or junk which is impounded or removed and taken into custody, as provided in this chapter, may be disposed of according to the provisions of Section 7-2-111 of the Wyoming Statutes, 1977, or Sections 31-13-108, 31-13-109 and 31-13-110 of the Wyoming Statutes, 1977

- B. The Town Council shall, from time to time, determine and fix an amount to be assessed as administrative costs in relation to enforcement of this chapter. This cost of administration may be set as a fixed sum per removal or as a percentage of the actual cost of removal under this chapter. The Town may take any action allowed by law to collect, the actual costs of removal and storage of any property constituting a public nuisance. Nothing herein shall prohibit the Town to right to waive cost of removal
- C Costs and expenses shall include, but are not limited to, the actual costs and expenses in time of Town employees or Town-authorized contractors and in materials concerning the actual actions of abatement of the nuisance, transportation to and from the property, title searches or certifications, preparation of lien documents, foreclosures and other related expenses, including but not limited to reasonable attorney's expenses.

Section 8.24.080 Search warrant

- A. The Town Marshal or his representative may make application to the 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 or junk 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 has authority to issue search warrants and other process necessary to enforce this chapter.
- C. A warrant shall issue only upon affidavit sworn to before a municipal judge that establishes the grounds for issuing the warrant. If the judge is satisfied that the grounds for the application exist 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 Town manager, 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.

Section 8.24.090 Property maintenance--Owner and occupant responsibility

- A. The owner or person in control of any private property shall at all times maintain the premises free of litter. This requirement applies not only to removal of loose litter, but to materials on, or that become trapped on, such locations as abutting Town sidewalks, strips and parkways, and private or publicly owned fences and wall bases, grassy and planted areas, borders, embankments and other such lodging points.
- B. Persons owning or occupying places of business which face on municipal sidewalks and strips or parkways between streets and sidewalks shall be responsible for keeping

those sidewalks and strips free of litter. Cleanliness of the alleyways is the responsibility of the contiguous property owners.

- C. It is unlawful to sweep or push litter from sidewalks and strips or parkways into streets. Sidewalk and strip or parkway sweepings must be picked up and put into household or commercial solid waste containers.
- D. Waste material or refuse used in the manufacture or remanufacture of salable products may be stored in an approved manner on the premises and with the written permission of the health, fire and building departments.
- E. Rock, stone, brick, concrete, dirt and other building materials or mineral wastes shall not be permitted to accumulate in alleyways or at the curb. Such material must be stored on private property in a safe manner and in such a way to prevent rodent harborage.

Section 8.24.100 Abatement--Court action authorized

The Town attorney may take any action allowed by law to collect the actual costs of removal and storage of any property constituting a nuisance including but not limited to instituting such legal actions in the name of the Town in any court having jurisdiction over such matters against any property, responsible party(s), for which the charge for abating a nuisance under this chapter has remained unpaid for a period of thirty days after a written statement therefore has been rendered to the responsible party of the property involved. Further, the Town council, pursuant to Wyo. Stat. 15-4-204, may order that the amount charged for abating a nuisance under this chapter becomes a lien against the premises and collected in the same manner as delinquent assessments for local improvement districts pursuant to Title 15, Chapter 6, Article 5 of Wyoming Statutes and all amendments thereto. Nothing herein shall prohibit the Town's right to waive the cost of removal as outlined in this section.

Section 8.24.110 Litter removal--Authorization--Notice--Cost to be a lien

In addition to any other penalties or remedies, the Town Marshal or his designee is authorized and empowered to serve notice upon the occupant or the owner, or his agent, to remove litter from his private property. If the litter is not removed within five days after service of notice, the Town Marshal or his designee shall have it removed and the cost of removal shall be assessed against the property and constitute a lien thereon. The owner shall be notified, in writing, of the amount assessed, and if it is not paid, it shall be collected in the same manner as provided by 8.16.100.

Section 8.24.120 Littering--General restrictions--Prosecution

It is unlawful for any person to throw, discard, place, deposit, distribute, cause or allow to be thrown, discarded, placed, deposited, or distributed, garbage or refuse in any manner or amount on any public or private property within the corporate limits of the Town, except in containers or areas lawfully provided therefore.

Section 8.24.130 Nuisance Citations

The Town Marshal or designated Code Enforcement Officers are hereby granted authority to enforce the ordinances found in this Chapter through the use of forfeitable citations through the Hanna Municipal Court using the bond schedule developed by the Hanna Town Council.

Section 8.24.140 Penalty

Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than seven hundred fifty dollars and shall be ordered to abate the nuisance. Each act in violation of any of the provisions hereof shall be deemed a separate offense.

Section 8.24.150 Title to impounded vehicles

Title to any impounded vehicle not reclaimed by the registered owner or any lienholder within thirty days of the date of the report required by Section 8.24.160 shall vest in the Title. A change in the title may be obtained by the Town pursuant to the authority of this chapter and the procedure established in state statutes to obtain a change in title

Section 8.24.160 Notice to removal

- A. Upon removal of any vehicle by the Town, a written report of the removal shall be sent to the last address of the owner, if known, otherwise such notice shall be sent to the Wyoming Department of Revenue and Taxation. The report shall include a description of the vehicle, the date, time and place of removal, the grounds for removal and the place of impoundment of the vehicle.
- B. Proof of providing the report shall be made by the certificate of any Town employee involved in the impoundment of the vehicle, specifying the person to whom the report was directed and the date and manner the report was provided.
- C. Such report shall not be required if the retail value of the vehicle is less than six hundred dollars as reasonably determined by the chief of police or his designee.

Section 8.24.170 Redemption of impounded vehicles

The owner of any vehicle seized under the provisions of this article may redeem such motor vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the Town treasurer of such sum as he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, plus twenty (20) dollars per day for storage for each motor vehicle redeemed. (Ord. 333 May 2010)

Section 8.24.180 Liability of owner or occupant

Upon the failure of the owner or occupant of property on which abandoned vehicles have been removed by the Town to pay the unrecovered expenses incurred by the Town in such removal, a lien shall be placed upon the property for the amount of such expenses.

Section 8.24.190 Abandoned iceboxes or refrigerators

Whosoever abandons or stores any refrigeration unit or icebox in such a place as to be easily accessible to children without first having made adequate provisions to prevent entry into such refrigeration unit or icebox or without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be punished in accordance with the penalties in Section 1.16.010 of the Municipal Code of the Town.

Section 8.24.200 General Dangerous Conditions

It is unlawful for any person to maintain or permit the existence of any condition that is a danger to life, health, or property within the Town. Dangerous conditions include, but are not limited to: structures in violation of the Uniform Building Code for the Abatement of Dangerous Buildings as outlined in section 15.20.010 of the Municipal Code of Town, trees in danger of falling, all or in part, unprotected excavations, improper storage of hazardous or toxic materials, conditions that facilitate the spread of disease, vermin and pests. Whosoever permits the existence of a dangerous condition shall be guilty of a misdemeanor; and upon conviction thereof shall be punished in accordance with the penalties in Section 1.16.010 of the Municipal Code of the Town. The procedure for abatement of Dangerous Conditions shall be per section 2.19.210 and 2.19.220 of the Hanna Municipal Code.

8.24.210 Severability

If any section, subsection, sentence, clause, phrase or portion of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter.

8.30.5 Enforcement

Any violation of this Article is declared to be a nuisance. Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than seven hundred fifty dollars and shall be ordered to abate the nuisance in accordance with Article 24 of Title 8 including but not limited to assessment of any costs for abatement by the Town. Each act in violation of any of the provisions hereof shall be deemed a separate offense. (Ord. 315 Jan. 2009)

Chanter 8.30

DESIGNATED NOXIOUS WEEDS AND PESTS

Sections:

- 8.30.1 Declaration.
- 8.30.2 Definitions.
- 8.30.3 Lists of Designated and Declared Weeds and Pests.
- 8.30.4 Duties of Consumers.
- 8.30.5 Enforcement.

Section 8.30.1 Declaration

The Town of Hanna, Wyoming, in order to promote the health, welfare and safety of its inhabitants, hereby establishes a control program for certain weeds and pests. (Ord. 296, 2001)

Section 8.30.2 Definitions

For purposes of the ordinance the following definitions shall apply:

- a. "Control" means the process of containing and limiting weed and pest infestations;
- b. "Declared pest" means any pest which the Wyoming Board of Agriculture and the Wyoming Weed and Pest Council have found, either by virtue of its direct effect, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within the area which includes the Town of Hanna, Wyoming;
- c. "Declared weed" means any plant which the Wyoming Board of Agriculture, established under W. S. §§ 11-2-101-104 (2001 Ed.) as amended from time to time, and the Wyoming Weed and Pest Council have found, either by virtue of its direct effect, or as a carrier of disease or parasites, to be detrimental to the general welfare of persons residing within the area which includes the Town of Hanna, Wyoming;
- d. "Designated lists" means the list of weeds and pests from time to time designated by joint resolution of the Wyoming Board of Agriculture and the Wyoming Weed and Pest Council
- e. "Designated noxious weeds" means the weeds, seeds or other plant parts that are considered detrimental, destructive, injurious or poisonous, either by virtue of their direct effect or as carriers of diseases or parasites that exist within this state, and are on the designated list.
- f. "Designated pests" means animals or insects which are on the designated list considered detrimental to the general welfare of the state;"

- g. "Landowner" means any owner or lessee of state, municipal or private land, and includes an owner of any easement, right-of-way or estate in the land;
- h. "Wyoming Weed and Pest Council" means the state council as defined by Wyoming State statute from time to time;
- i. "Consumer" means the landowner or his agent, renter or lessee or his agent, occupant or any other person in possession or having an interest in the premises, each individual user of the foregoing, each business, trailer or trailer court, apartment, home or residence of any kind, real estate lot, whether vacant or not. All consumers, regardless of the exact nature or description are jointly and severally liable for payment for all charges accessed and for the responsibilities established by this ordinance.
- j. "Infest" means to haunt or overrun in a troublesome manner, as predatory bands, destructive animals or vermin do; to be numerous in, as anything troublesome. (Ord. 296, 2001)

Section 8.30.3 Lists of Designated and Declared Weeds and Pests.

There shall be on file with the Town Clerk of the Town of Hanna, a list of the following:

- a. Declared pests
- b. Declared weeds
- c. Designated list
- d. Designated noxious weeds
- e. Designated pests
- f. Locally designated noxious weeds and pests, if any. (Ord. 296, 2001)

Section 8.30.4 Duties of Consumers

a. It shall be the duty of the consumer within the Town of Hanna to cut, or dig and destroy all declared weeds and designated noxious weeds upon such property, and upon streets and alleys within the curb lines in front of or abutting, the property. It shall also be the duty of the consumer to control the declared and designated pests which are present upon the property. The property owner is not to allow his/her property to become infested with declared weeds or designated noxious weeds or designated or declared pests.

b. Any violation of this section is declared to be a misdemeanor and/or nuisance. The Mayor and Town council may require the enforcement of the provisions of this section. Upon failure of any consumer to comply therewith, the Mayor may cause a written notice to be given to the person who appears as the last owner of the property according to the assessment rolls of the county, and to the lessee or occupant of the property. The notice shall be mailed by certified mail, with sufficient postage, and addressed to the owner at the address appearing on the assessment rolls and to the lessee or occupant at the address of the property. The notice shall order the parties to cut, or dig and destroy such weeds and dead trees or other dead plants and/or rid the premises of the specified insects, within fifteen (15) days after date of mailing the notice. It shall be unlawful for any such person to fail or refuse to comply with the notice within the time aforesaid.

In the event of the failure or refusal, the Mayor may, with the approval of the Council, cause such compliance and shall immediately assess and levy the cost thereof against the property upon which the violation has occurred, and shall proceed to collect such cost in the manner provided by law. (Ord. 296, 2001)

Section 8.30.5 Enforcement

Any violation of this ordinance is declared to be a misdemeanor and is punishable by a fine in accordance with the general provisions of the Hanna Municipal Code. The Municipal Judge may order compliance with the provisions of the ordinance, including the abatement of any declared weed or designated noxious weed or declared or designated pest, as a condition of suspension of all or part of any fine imposed. (Ord. 296, 2001)

