

ORDINANCE NO. __

AN ORDINANCE TO AMEND CHAPTER 13 OF THE GILLETTE CITY CODE TO DELETE
AND REPLACE DEFINITIONS AND MODIFY OTHER ASPECTS OF THE
CITY'S NUISANCE ORDINANCE.

WHEREAS, the Governing Body of the City of Gillette desires to revise Chapter 13 of the Gillette City Code.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

Chapter 13 of the Gillette City Code is hereby replaced in its entirety with this Ordinance and is hereby adopted with an effective date of December 19, 2018.

CHAPTER THIRTEEN
NUISANCES GENERALLY
Revised December 2018

- 13-1 Nuisance Compliance Program
- 13-2 Definitions
- 13-3 Specific Nuisances
- 13-4 Enforcement
- 13-5 Procedure for Weed Abatement
- 13-6 Interference with the Code Enforcer

13-1 Nuisance Compliance Program

- a. Objective - The Nuisance Compliance Program is intended to promote, protect and improve the health, safety and welfare of all citizens. (Ord. 3337, 8-16-2004)
- b. Scope - Every Owner, Occupant, Person, Responsible Person, or Contractor, (“Responsible Party”) is responsible for maintaining all premises under their control or responsibility, including any adjacent publicly owned right-of-way, in a clean, sanitary and orderly condition at all times. No nuisance, as defined below, shall be permitted at any time. (Ord. 3337, 8-16-2004)

13-2 Definitions

- a. Abate: Repair, replace, remove, destroy or otherwise remedy a condition to an extent determined necessary, by the City, to protect, restore or maintain public health, safety and welfare. (Ord. 3337, 8-16-2004)
- b. Antique Vehicle: Any motor vehicle at least twenty-five (25) years old and owned solely as a collector’s item and licensed pursuant to Wyoming Statutes, Section 31-3-102. (Ord. 3337, 8-16-2004)
- c. Code Enforcer: Anyone with authority to enforce this chapter, including but not limited to: The Code Compliance Inspector, city police officer(s), and the City Administrator or his/her authorized designee.
- d. Debris: Debris includes, but is not limited to: motor vehicle parts, tires of any kind or size, silt from automobile wash racks, dead animals, batteries, abandoned machinery, discharged machinery parts, any sort of household appliance, bath tubs, furniture, wood pilings, pallets, dirt pilings, paper pilings, rubber and plastic products, metal products, broken glass, barrels, any article resulting from the wrecking, construction or remodeling of any building, fence, sidewalk or structure of any kind or character. Debris is a nuisance. (Ord. 3337, 8-16-2004)
Exception: Appropriately stacked or stored firewood, at the sole discretion of the Code Enforcer. (Ord. 3337, 8-16-2004)

- e. Garbage: Waste resulting from the handling, preparation, cooking or consumption of foods; offal or animal matter, wastes from the handling, storage and sale of produce; or anything that may decompose, become foul, offensive, unsanitary or dangerous to health. Garbage is a nuisance. (Ord. 3337, 8-16-2004)
- f. Inoperable Vehicle: A vehicle that is partially suspended above the ground by jacks, blocks or any other devices. A vehicle which has any of the four tires or wheels removed or any discarded, ruined, wrecked or dismantled vehicle including any part(s). Any motor vehicle incapable of immediate operation under its own power safely and in concurrence with governing and applicable traffic ordinances and statutes, or any motor vehicle not having current license plates lawfully affixed thereto. Inoperable vehicles are a nuisance. (Ord. 3337, 8-16-2004)
- g. Litter: To throw, deposit or allow garbage, rubbish and debris as defined herein, and all other waste material to remain on land that offends the senses, or creates a danger to public health, safety and welfare. Litter is deemed a nuisance. (Ord. 3337, 8-16-2004)
- h. Motor Vehicle: Any vehicle that is self-propelled by any sort of motor except vehicles moved solely by human power. (Ord. 3337, 8-16-2004)
- i. Nuisance: The creation and/or maintenance by any person of any condition or use of real or personal property in such a manner as to offend the senses, or to unreasonably interfere with the use or enjoyment of the property of another, or which is detrimental to the property of another, or which causes the substantial diminution in or degrades the value of another's property by permitting any condition to exist which results in substantial annoyance, inconvenience or injury to the public, in whole or part as more fully described in Section 13-3 Specific Nuisances. (Ord. 3337, 8-16-2004)
- j. Open Pit(s): Any open or uncovered cellar, cellar door, pit, hole, pool or container, etc. where water is allowed to accumulate and become a breeding ground or harborage for mosquitoes or other insects is declared to be a nuisance. It shall be unlawful for the owner or occupant of said property to permit the nuisance to continue for longer than seventy-two (72) hours. An open pit is a danger to public health, safety and welfare and is a nuisance. (Ord. 3337, 8-16-2004)

- k. Person: Any individual(s), firm, association, partnership, corporation or any entity, public or private. (Ord. 3337, 8-16-2004)
- l. Premises: Any lot, building, parcel of land or portion of land, public or private. (Ord. 3337, 8-16-2004)
- m. Property: Any real property within the City limits that is not a street or highway. (Ord. 3337, 8-16-2004)
- n. Responsible Party : Any person occupying or in charge or control of any property or premises, including but not limited to: owner, occupant, agent, lessee, or contractor. (Ord. 3337, 8-16-2004)
- o. Rubbish: All discarded materials including, but in no way confined or limited to paper, wood, glass, metal and cloth products, weeds, yard trimmings, tree branches, bedding, crockery, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing process. Rubbish is a nuisance. (Ord. 3337, 8-16-2004)
- p. Weeds and Tall Grasses: All weeds, including but not limited to Foxtail weeds, tall grasses and rank, troublesome and harmful vegetation growing on any premises outside of the traveled portion of any street or alley within the City that exceeds a height of twelve (12) inches are considered a nuisance. Weeds shall include, but not be limited to, such plants as may be so designated by the Campbell County Weed & Pest Board. All landscaping on any lot or premises must be maintained in a neat and orderly condition consistent with community standards. Weeds and tall grass are a nuisance. (Ord. 3337, 8-16-2004)

13-3 Specific Nuisances

- a. No nuisance may be maintained as a non-conforming use or allowed to continue as a “grandfathered” activity. (Ord. 3337, 8-16-2004).
- b. Nuisances include, but are not limited to, the following specific examples:
 - 1. It is unlawful for any Responsible Party to place, store, discard, throw or deposit any open pit, item or article on any property or premises within the City that will catch

- and maintain water from any source which creates a breeding ground or harborage for mosquitoes and/or other insects. Items such as tires, buckets, bottles, or pans may not be stored outside of an enclosed building or approved structure for longer than seventy-two (72) hours and must be stored in a manner to prevent the collection and stagnation of water. The above actions are a danger to public health, safety and welfare. (Ord. 3337, 8-16-2004)
2. It is unlawful for any Responsible Party to store, place, discard or deposit any appliances, including but not limited to: stoves, dishwashers, refrigerators, clothes dryers, washing machines, or any airtight container(s) outside for longer than twenty-four (24) hours. Improperly stored appliances are a danger to public health, safety and welfare. (Ord. 3337, 8-16-2004)
 3. It is unlawful for any Responsible Party to cause or permit the pooling, ponding or depositing of sewage or human excrement anywhere in the City, except through a City approved waste system. Depositing of sewage or human excrement is a danger to public health, safety and welfare. (Ord. 3337, 8-16-2004)
 4. It is unlawful for any Responsible Party to permit the accumulation of any debris on any construction or demolition site at any time before, during or after the construction or demolition of a project. The Responsible Party shall maintain on the site a proper container to control construction debris generated on the site. Construction/demolition material must be stored in a manner to prevent it from becoming wind-blown. (Ord. 3337, 8-16-2004)
 5. It is unlawful for any Responsible Party to allow or maintain piles of dirt, debris, wood, firewood, construction or demolition materials on the property in a condition that attracts rodents, skunks or other vermin. (Ord. 3337, 8-16-2004)
 6. It is unlawful for any Responsible Party to allow on the property any condition that interferes with, obstructs, or renders dangerous for passage any public street, sidewalk, ditch or drainage, without a lawful permit. (Ord. 3337, 8-16-2004)
 7. It is unlawful for any Responsible Party to allow any partially dismantled, unlicensed/inoperable, wrecked, junked or discarded motor vehicle(s), or other similar material or objects to remain on the property longer than fourteen (14) days except in

an enclosed building or an appropriately zoned storage lot. (Ord. 409, 7-5-55; Ord. 592, 9-23-69) (Ord. 1724, 6/19/89; Ord. 3337, 8-16-2004)

A. A person may store or maintain one partially dismantled or unlicensed/inoperable vehicle with a commercially manufactured fitted car cover in good condition. Tarps do not constitute commercially manufactured fitted car covers.

B. If the fitted cover begins to deteriorate or is removed, the cover must be replaced within five (5) days or the vehicle must be licensed/removed.

8. It is unlawful for any Responsible Party to cause, allow or permit the accumulation of debris, garbage, litter or rubbish on their property.

9. Grass and weeds over twelve (12) inches in height are a nuisance under this section and must be removed. (Ord. 3337, 8-16-2004)

13-4 Enforcement

a. The Code Enforcer shall have the authority to enforce this chapter. (Ord. 3337, 8-16-2004)

b. Violations:

1. In addition to other penalties or remedies, the Code Enforcer is authorized to serve notice of violation upon the Responsible Party to remove all items deemed a nuisance from the property. The Responsible Party shall have fourteen (14) days after notice to abate the nuisance, or three (3) days if the nuisance constitutes a danger to public health, safety and welfare. (Ord. 3337, 8-16-2004)

2. The Responsible Party shall remove the nuisance in compliance with the provisions of this Chapter within the allotted time given in the notice. It is unlawful for the Responsible Party, after receiving notice of violation, to remove a

nuisance to another private or public property where storage is not permitted. (Ord. 3337, 8-16-2004)

3. The deadline to remove the nuisance may be extended by the Code Enforcer if the Code Enforcer, in his or her sole discretion, deems the extension necessary to remove the nuisance. An extension under this section does not relieve the Responsible Party's obligation to remove the nuisance. Failure to remove the nuisance after an extension under this section will subject the person to abatement procedures and/or citation. (Ord. 3337, 8-16-2004)
4. The Code Enforcer shall have the authority to post a notice and abate the nuisance fourteen (14) days after the Responsible Party is served with notice of a violation. Any authorized employee of the City or contractor hired by the City shall be authorized to enter the property to abate the nuisance. The City shall charge the actual cost of abatement to the Responsible Party. Any costs incurred in the abatement that remains unpaid forty-five (45) days from the date of the billing shall include attorney's fees and costs incurred in collection. Only the Code Enforcer may remove the posted notice from the property. (Ord. 3337, 8-16-2004)
5. In addition to the above remedies, a Responsible Party in violation of this section may be cited into the Municipal Court. (Ord. 3337, 8-16-2004)

c. Penalties

1. Any Responsible Party violating this ordinance is guilty of a misdemeanor punishable by a fine of no more than seven hundred fifty dollars (\$750.00), plus court costs. *See* Section 16-1 of the Gillette City Code. Each day of non-compliance with the provisions of this ordinance shall constitute a separate offense. (Ord. 1338, 5-3-82; Ord. 3337, 8-16-2004)

d. Appeals

1. All appeals shall be made in accordance with applicable provisions of the Wyoming State Statutes regarding appeals from the Municipal Court. (Ord. 3337, 8-16-2004)

13-5 Procedure for Weed Abatement

- a. Weeds and tall grass pose an immediate danger to public health, safety, and welfare. Immediate abatement is necessary to prevent uncontrolled spread of weeds and tall grass because it has the ability to seed quickly and provide a harborage for rodents and insects and are a fire risk. Fourteen (14) days after notice of a violation, the Code Enforcer shall have the authority to post a notice on the property and abate the nuisance. Any authorized employee of the City or contractor hired by the City is authorized to enter the property to abate the nuisance. Only the Code Enforcer may remove the posted notice from the property.
- b. The City shall charge the actual cost of abatement to the Responsible Party, plus an administrative fee equal to fifty percent (50%) of the total cost of each abatement. Any costs incurred in the abatement that remain unpaid forty-five (45) days from the date of the billing shall include attorney's fees and costs incurred in collection.
- c. The City may, at its discretion, apply to the proper court for a lien against the property for abatement costs that exceed two thousand dollars (\$2,000.00) and remain unpaid forty-five (45) days from the date of the billing.
- d. The Responsible Party is prohibited from obtaining any permits from the City until the cost of the abatement is paid in full. (Ord. 3337, 8-16-2004)
- e. In addition, a Responsible Party that has violated this section may be cited into the Municipal Court. (Ord. 3337, 8-16-2004)

13-6 Interference with the Code Enforcer

- a. Any person interfering with the Code Enforcer in the performance of his/her duties shall be guilty of a misdemeanor. See Section 16-1 of the Gillette City Code. (C.O. 1948 324.; Ord. 3337, 8-16-2004)

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2018.

Louise Carter-King, Mayor

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk