

Rawlins Municipal Code

**Title 8
HEALTH AND SAFETY**

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**Chapter 8.04
BURIAL REGULATIONS**

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Section 8.04.010 Sexton appointment and duties.

The city manager may employ a suitable and competent person as sexton and the sexton shall be in charge of the city cemetery, under the directions of the city manager, and with the duties and responsibilities as set forth in this chapter. The city sexton shall adopt rules and regulations governing the enclosing and adorning of cemetery lots, the erection of monuments and tombstones thereon, the care, upkeep and maintenance of the cemetery, the sexton shall have the authority to adopt such rules and regulations as are appropriate to provide for the orderly development and sale of spaces within the cemetery, including but not limited to imposing limitations upon the amount of spaces to be sole and limitations upon the number of lots which may be owned by the same person at the same time. (Ord. 8R-83: prior code § 9-1)(Ord. No. 1B-98, Amended, 01/20/98)

Section 8.04.020 Enforcement.

The sexton or his assistants shall immediately, when it comes to their knowledge, make complaint against any person or persons who violate or attempt to violate any of the provisions of this chapter, and any failure on the part of the sexton or his assistants to so make complaint shall be deemed cause for the sexton's removal. (Prior code § 9-2)

Section 8.04.030 Burial restricted to cemeteries.

No person shall inter the dead body of a human being within the limits of the city except in an authorized cemetery (Prior code § 9-3)

Section 8.04.040 Disclaimer by city.

The city shall take every reasonable precaution to protect the property within the cemetery, but it distinctly disclaims all responsibility for loss or damage, whether direct or collateral, from the acts of thieves, vandals, rioters and malicious mischief makers; from all acts of Providence, including but not

limited to winds, tornados, cyclones, hail, snow, frost, fire, explosion or lightning; and from breakage or accident to equipment to any kind of character and from all causes beyond its reasonable control.

Section 8.04.050 Regulations applicable to general care area.

- A. In the cemetery area the city shall not provide for the care of existing or future private mausoleums, monuments or markers or set out or take care of any decorative planting; it shall, however, undertake to keep the grass cut and to maintain the entire area in a neat and generally tidy condition.
- B. No lot or grave shall be defined by any fence, railing, coping, hedge, embankment or depression, nor may trees or shrubs be planted to define corners or boundaries. No cement curbs shall be permitted, and all unsightly curbs shall be removed.
- C. Existing trees generally will not be removed to make additional burial space.
- D. To prevent injury to adjoining lots and to preserve the beauty of the grounds, no trees or shrubs shall be planted on lots or graves, nor shall any existing trees or shrubs be cut down, removed or trimmed, unless permitted by the City.
- E. The placing of wreaths, sprays or flower boxes, and the placing of cut flowers shall be restricted to those graves which have regular container for that purpose. The use of jars, tin cans etc., is prohibited. Spading up of grass will be permitted only for the purpose of planting grass. Planting of flowers is restricted to flower boxes and vases upon concrete foundations upon the grave site only.
- F. Withered plants and flowers will be removed from the lots, vases and urns.
- G. The city may remove or order removed all floral designs, trees, shrubs, plants or herbage of any kind, and may also remove toys or any other kind of non-green decoration as soon as such items become unsightly, interferes with Maintenance Activities, detrimental or diseased, in the opinion of city staff. The city has no responsibility to return to its owners any item the city so removes or orders removed.
- H. Grave covers shall not be allowed in a cemetery. Any and all grave covers which are situated in the cemetery and determined by the City to be in a state of disrepair or otherwise in need of maintenance, repair or servicing shall be removed.

Section 8.04.060 Monuments and markers generally.

- A. Any stone or object which shall be placed upon a burial site or plot for the purposes of marking a grave site or identifying the person or persons buried therein shall be classified as a monument or marker.
- B. No monuments or markers or portions thereof made of any other material other than granite, marble, standard bronze or other durable material such as (but not limited to) natural stone, petrified stone, stainless steel, etc., shall be allowed in the cemetery.
- C. All foundations for monuments or markers shall be of concrete, not to exceed six (6) inches in depth, and shall be installed at the expenses of the individual and/or family.
- D. The foundations shall be constructed so as to permanently support the monument or marker in true position and shall have a border around the bottom of the base of the monument (four (4) inches minimum on each side).
- E. All monuments or markers must be located as directed by authorized city personnel.
- F. No person shall be allowed to remove any monument or marker from the cemetery or to alter any monument erected in the cemetery without first securing permission from the City.
- G. At minimum markers will consist of solid weather resistant material and shall be level with the ground, and must have at least two six (6) inch long spikes to hold it in place and shall be provided at the time of burial.

Section 8.04.070 Surface vaults prohibited.

Surface vault burials shall be no longer allowed in the city cemetery.

Section 8.04.080 Interments and funerals generally.

- A. The time of funeral services shall be scheduled with the city as soon as reasonably possible and at least forty-eight (48) hours in advance of the services.
- B. All information required by the State of Wyoming to appear on the Burial Transit Permit shall be furnished to the city prior interment. No burials will be allowed without this information.
- C. If the order for the interment is for a deceased person not of the immediate family of the lot owner, permission in writing from the lot owner must be filed with the City of Rawlins.
- D. When lots are held jointly by two or more persons, by descent, devise or purchase, and order will be accepted from either of them or their heirs for interment in the lots as the order shall require.
- E. Orders of burials over the telephone will be accepted only at the option of the City, because of the possibility of mistakes.
- F. The city shall allow no more than six (6) cremations buried on any single grave plot.
 - i. This shall include animals, however they must be cremated.
 - ii. Animal cremains shall only be allowed in the plot if accompanied by owner remains.

Section 8.04.090 Disinterment.

Graves will be reopened for official inspection or for any other purpose only when all statutory provisions relating to the opening of graves have been complied with and the regular charge for a disinterment is paid to the city.

Section 8.04.100 Burial records.

- A. It shall be the duty of the city clerk to enter and keep among the records of his office a full and complete abstract of the holdings and of the lots in the city cemetery, arranged consecutively by number, showing the name of the owner, date of purchase, number of certificate, amount paid, and the name, age and cause of death of all persons buried in each lot.
- B. The city clerk shall also keep an alphabetical record of all persons buried in any and all cemeteries of the city, showing the lot and cemetery in which interment took place, together with the date and place of death, date of birth, date of interment and name of lot owner. (Prior code § 9-10) (Ord. No. 1B-98, Amended, 01/20/98)

Section 8.04.110 Paupers.

In the case of the burial of the bodies of paupers or indigent persons who may be a county charge, interment may be made in the county section of the city cemetery and for these interments the purchase of lots as provided for in other cases shall not be required. The cemetery sexton shall present a claim to the county commissioners for the number of burials and permits issued for the county charges, for the preceding month for the interments in the amount established by resolution of the city council as per title one of this code. (Prior code § 9-11) (Ord. No. 1B-98, Amended, 01/20/98) (Ord. 08a-2008, Amended, 08/19/2008)

Section 8.04.120 Relocating remains.

Should the owner of a single lot in the cemetery area in which an interment has been made or should an authorized person wish to secure two or more laterally adjacent lots elsewhere in the cemetery in order to provide for contiguous burials, he may have the body in the single lot disinterred and reinterred in the new location by paying the regular charges both for disinterment and for reinterment and by conveying to the city the vacated lot. The amount of the refund of such vacated lot, if any, shall be determined by the city and shall not exceed the purchase price paid by the owner.

Section 8.04.130 Vacated lots.

Should any single lot be vacated and the body removed from the cemetery, the regular charge for

disinterment must be paid. The title to the lot remains in the family or may be bought back by the city.

Section 8.04.140 Conduct of persons in cemetery.

- A. Children under twelve (12) must be accompanied by parent or guardian.
- B. Bicycles shall not be leaned against stonework of any kind.
- C. Liquor consumption shall not be allowed within the cemetery grounds.
- D. Animals are permitted in the cemetery for the purposes of paying respect to the deceased and for participation in a bona fide funeral procession as outlined in Rawlins Municipal Code 6.04.170. Animals allowed under this section must comply the requirements in Rawlins Municipal Code 6.04.060 Animals at Large. (Ord. No. 10-2019, Amended 10/01/2019)
- E. Vehicles over 1 ton shall not be allowed to enter the grounds without special permission of the city unless performing work in the business capacity.
- F. All persons are strictly prohibited from plucking any wild cultivated plants, damaging or defacing any tree or shrub, vandalizing any stonework or defacing property of lot owners or of the city.

Section 8.04.150 Selecting sites.

Persons desiring to purchase rights of burial are invited to visit Public Works located at 915 Third St, Rawlins, WY and authorized city personnel will aid in making a selection.

Section 8.04.160 Payments for right of burial.

- A. All payments for lots are payable in advance, except as otherwise provided.
- B. All lots shall be sold with perpetual care with the exception of the county section for indigent burials.
 - i. "Perpetual Care" meaning the care of cemetery through maintenance covered in the fee associated with purchase of lot. This covers but is not limited to mowing of grass, removal of down branches, removal of garbage and general upkeep.
- C. Monthly payment options
 - i. A down payment of not less than Fifty (50) dollars must be made.
 - ii. A monthly payment will be at least Fifty (50) dollars.
 - iii. If full payment is not received, all monies paid towards the burial property shall be forfeited to the City and they have the right to sell the property to another individual. (Ord. No. 10-2019, Amended 10/01/2019)
 - iv. Property shall be paid in full prior to any burial. (Ord. No. 10-2019, Amended 10/01/2019)

Section 8.04.170 Repurchase of lots by city.

The city may, by mutual agreement with the site owner, repurchase any unused site from owner at the original purchase price.

Section 8.04.180 Abandoned lots

It is a conclusion presumption that an owner has abandoned a cemetery lot or burial space if for the specified years listed below the owner has not used any portion of the lot for purposes of burial; and has not made provision for care of the lot beyond that provided uniformly to all lots within the cemetery; and if the owner has failed to express an interest in writing for retaining the cemetery lot or burial space after notice provided for in this section.

Any unused cemetery lot or burial space obtained, through sale, resale or transfer, by the current owner before June 1st 2014 shall have 50 years, 25 years if after specified date; shall revert to the city upon occurrence of the following events:

- A. Upon the request of any person, the City may pass a resolution demanding that the record owner of a cemetery lot or burial space that has exceeded the allotted years shall in writing express their interest in the cemetery lot or burial space.

- B. A copy of the resolution shall be served upon the owner in the same manner as personal service of process in a civil action. If the owner is unknown or cannot be found, the city shall publish its resolution once a week for three consecutive weeks in the official newspaper of the county where the cemetery is located, and shall further mail a copy of the resolution to the owner at the last known address of the owner, if known.
- C. If within 60 days after personal service or after publication of the City's resolution is completed, the owner or person with a legal interest in the cemetery lot of burial space fails to express and interest in retaining the unused cemetery lot or burial space, the owner's rights therein are terminated and title to that person's plot reverts to the City.

Section 8.04.190 Recording change of ownership.

On the death of an owner or part-owner of a site, the heirs or designees of the deceased, if required, shall file with the city satisfactory proof of their heirship for the purpose of establishing the new ownership on the books of the city.

Section 8.04.200 Undeveloped Cemetery Sections.

Undeveloped sections of the city cemetery, shown on a Map attached hereto and marked as Attachment 1, shall only allow flat headstones, grave markers or ornaments, as directed by the cemetery sexton. The current map, Attachment 1 and kept at the cemetery shop, indicates all the undeveloped section which must be developed as described above. (Ord. No. 1B-98, Enacted, 01.20.98)(Ord.05-2014 Amended 5/20/2014)

Chapter 8.08

GARBAGE, REFUSE, CONSTRUCTION AND DEMOLITION MATERIALS

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8.08.010 Definitions.

8.08.020 City authority

- 8.08.030 General provisions.
- 8.08.040 Notice and evidence of violation.
- Article II: Regulations.**
- 8.08.050 Requirements and regulations conformance.
- 8.08.060 Use regulations.
- 8.08.070 Scavenging prohibited.
- 8.08.080 Hours.
- 8.08.090 Transportation of refuse or garbage.
- 8.08.100 Littering.
- 8.08.110 Alley, public utility easements, public thoroughfares, Right-of-Way cleanup.
- 8.08.120 Construction wood, dead trees, limbs, and other offensive growth.
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Article I: General Provisions.

8.08.010 Definitions.

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

- (1) "Municipal Solid Waste/Garbage" means any putrescible solid or semi-solid animal

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and/or vegetable waste material resulting from the handling, preparation, cooking, serving, and consumption of food; wastes from the handling, storage and sale of produce; and any other matter whatsoever that may decompose, become foul, offensive, unsanitary or dangerous to health. It furthermore means that portion of solid waste that is normally disposed of by and originating from the occupants of the City's residential dwelling units, businesses, industrial, and commercial establishments (which is typically referred to as "Garbage and/or Municipal Solid Waste" in the City of Rawlins Municipal Code, as amended from time to time), located in the incorporated areas of the City, which consists of household wastes from private residences, commercial waste which originates in wholesale, retail, or service establishments such as restaurants, stores, markets, theaters, hotels, and warehouses, and institutional waste material originating in schools, hospitals, research institutions, and public buildings. In no event shall municipal solid waste/garbage include (1) any Hazardous Waste or (2) any Unacceptable Waste. (Ord. No. 10-2019, Amended 01/01/2019)

- (2) "Hauler" means any person, and/or firm, and/or entity, who transports, and/or collects garbage, and/or refuse, and/or construction material, and/or demolition material.
- (3) "Municipal Solid Waste Hauler" means any commercial entity who's business is collection of municipal solid waste/ garbage.
- (4) "Refuse" means combustible and noncombustible discarded materials including but not limited to paper, wood, glass, clothing products, leaves, clippings, woods, small branches and limbs, resulting from residential and manufacturing processes.
- (5) "Recycled Materials" means raw or processed material that can be removed from a [waste stream](#), reused, and repurposed and reused into another item or use without posing unsanitary conditions and/or posing a potential health and safety concern.
- (6) "Troublesome Materials" means waste materials of such nature as to require unusual handling and disposal procedures as defined by the Department of Environmental Quality of the State of Wyoming, which additionally shall include but not be limited to, automobile equipment and tires, hazardous or dangerous solids or liquids, heavy appliances, scrap metal, bulky construction materials or demolition materials, trees or tree limbs, concrete, rock, stone, brick, asphalt or any other materials or items of similar nature.
- (7) "Construction Materials" means any building material used to construct a new facility or structure and any portion thereof, including, but not limited to, stone, woods, fencing material, insulation, wire, concrete, asphaltic concrete, railroad ties, shingles, carpeting, lumber, pallets, dirt, cinder blocks, brick, plaster, asphalt, metal, plastics, or any combination thereof.
- (8) "Demolition Materials" means any existing facility or structure being disposed of and any portion thereof, including but not limited to, wood, lumber, carpeting, railroad ties, concrete, dirt, asphalt, stone, cinder blocks, brick, plaster, sheetrock, metals, plastics, tree stumps, and branches, and animal waste.
- (9) "Firewood" means wood cut for fuel. Such wood shall be stored no greater than six feet (6') in height.
- (10) "Generate" means to produce (something i.e. garbage, refuse, construction materials, or demolition materials) or cause (something i.e. garbage, refuse, construction materials, or demolition materials) to be produced; to bring into existence.
- (11) "Accumulated" means something that has [accumulated](#) or has been accumulated; the action or process of [accumulating](#); the state of being or having accumulated; increase or growth by addition especially when continuous or repeated.
- (12) "Collected" means gathered together; brought or placed together from various sources.

- (13) “Transports” means take or carry [waste materials] from one place to another by means of vehicle, aircraft, or ship; a system or means of conveying [waste material] from place to place by means of a vehicle, aircraft or ship.
- (14) All other relevant definitions as provided by DEQ, Solid Waste Management Rules and Regulations, Chapter I. (Ord. 6D-80 § 1; Ord. 2-80 § 1 (part): prior code § 13-1) (Ord. No. 8C-93, Amended, 08/21/93; Ord. No. 4A-94, Amended, 06/06/94; Ord. No. 07g-2002, Amended, 07/16/02, Ord. No. 05-2010, Amended 05/04/10)(Ord. No. 01-2016, Amended 1/5/16) (Ord. No. 10-2021, Amended 10/5/21)

Section 8.08.020 City Authority.

A. The purpose of this chapter is to protect the public health, safety and welfare of its’ citizens by regulating the accumulation, storage, conveyance, and disposal of garbage, solid waste, refuse, and construction and demolition materials to prevent fire, health or safety hazards, to eliminate undesirable pests, and to promote a positive aesthetic appearance of our community. For the protection of health, safety and general welfare of its citizens, subject to all state and federal grants of authority, the city is authorized to have the exclusive authority and responsibility within the municipal corporal limits concerning the adoption of rules, regulations and establishing minimum guidelines and standards for the collection and disposal of garbage, refuse, construction materials and demolition materials as defined in this chapter. (Ord. 2-80 §1 (part): prior code § 132)

B. Authority is granted to cities and towns in Wyoming Statutes §15-1-103(a)(xxi) and (a)(xli) to adopt ordinances, resolutions and regulations necessary for the health, safety and welfare of the city and to “purchase, lease or rent land within or without the corporate limits for the deposit of refuse matter, govern the use of the land and make reasonable rules and requirements for hauling refuse.” (Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.030 General Provision.

All garbage, refuse, construction materials and demolition materials generated and/or accumulated and/or collected within the municipal corporal limits of the City of Rawlins shall be properly conveyed and transferred to the Rawlins Municipal Sanitary Landfill/Transfer Station for disposal excepting properly recycled materials which may be removed from the waste stream, repurposed and reused by properly depositing said materials with a duly authorized recycling center permitted to accept the same. This chapter does not prohibit municipal solid waste generated or collected outside of the city from hauling such solid waste over city streets provided all haulers comply with the provisions of this chapter and with any other applicable law or ordinance. (Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.040 Notice and Evidence of Violation.

A. Any person violating any provisions of this chapter shall be so informed in writing by the City Manager or his designee. The written notice shall fix a time for compliance which shall, in no event, be less than five (5) days from the day of service of the notice. The fact that garbage or refuse remains on any owner's or occupant's premises in the city in violation of this chapter shall be prima facie evidence that the owner or occupant of the premises is responsible for the violation failure to comply with the written notice described in this section or with any section shall be deemed a misdemeanor.

B. For any violation of this chapter there shall be minimum fine of Two Hundred Fifty Dollars (\$250.00) and a maximum fine not to exceed Seven Hundred Fifty Dollars (\$750.00) and an order directing compliance with this chapter and abatement of the violation within a reasonable time. Each day of successive violations persists shall constitute a separate violation.

C. The City Manager or his authorized agent may and at his election after a notice is served upon the alleged violator as set out in this chapter, go upon the lot, parcel of land, alleyway, public utility easement (P.U.E.), public thoroughfares or sidewalk area or other property of the owner or occupant and remove the accumulated garbage or refuse therefrom. The expense of the removal shall be charged to the

person violating this chapter. (Ord. 2-80 § 1 (part): prior code § 13-6; Ord. No. 07g-02, Amended 07/16/02)

Article II: Regulations

Section 8.08.050 Requirements and Regulations Conformance.

The city shall maintain a solid waste management facility (hereinafter referred to as “facility”) for the disposal of solid waste. The facility shall conform to the applicable federal, state and local laws and regulations. The city sanitary landfill shall be available to the general public upon payment of the specified fees established by resolution of the City Council as per Title 1 of this code and in conformance with the rules and regulations promulgated under this article. (Ord. 2- 80 § 1 (part): prior code § 13-21(b), (Ord. No. 07g-2002, Amended, 7/16/02) (Ord. 08a-2008, Amended, 08/19/2008; 8.08.270, Amended, 07/16/2002)(Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.060 Use Regulations.

The City Council shall prescribe such additional rules and regulations as it may deem proper, not inconsistent with the federal, state and local laws and regulations to govern the operation of the facility. Such rules and regulations shall be in writing and copies maintained in the city clerk’s office and at the facility.

Section 8.08.070 Scavenging Prohibited.

It is unlawful for anyone to separate, collect, carry off or otherwise remove or dispose of anything whatsoever from the Rawlins Municipal Sanitary Landfill Transfer Station without the direct permission of the City Manager or his designee. (Ord. 2-80 § 1 (part): prior code § 13-21(b), Ord. No. 07g-2002, Amended, 7/16/02) (8.08.280, Amended 7/16/2002)

Section 8.08.080 Hours.

The City Council shall designate the days and hours that the facility shall be open to the public. Notice of these days and hours shall be posted at the entrance. (Ord. 2-80 § 1 (part): prior code § 13-21(b); Ord. No. 07G-02, Amended 7/16/02) (8.08.290, Amended, 07/16/2002)

Section 8.08.090 Transportation of Refuse or Garbage.

It is unlawful for any person or licensed municipal solid waste hauler to allow any garbage, and/or refuse, and/or construction material, and or demolition material to spill, drop, fall or remain on the ground or any other place. Garbage, and/or refuse, and/or construction material, and/or demolition material shall be conveyed to the Rawlins Municipal Sanitary Landfill Transfer Station in an enclosed vehicle or secured with a tarp, net or webbing so that it cannot be strewn upon the streets or ground. Bagged waste shall be secured in the vehicle in a manner reasonably sufficient to ensure waste material is properly contained until it is properly deposited at the Rawlins Municipal Sanitary Landfill Transfer Station. (Ord. 2-80 § 1 (part): prior code § 13-3(k), Ord. No. 05-2010, Amended 05/04/10)(Ord. No. 01- 2016, Amended 1/5/16) (Ord. No. 10-2019, Amended 10/01/2019)

Section 8.08.100 Littering.

- A. No person may throw, drop, or deposit garbage, refuse, construction or demolition materials upon any street, alley, sidewalk, or any yard or premises whether private or public except in proper containers.
- B. No person shall throw or deposit any refuse or waste materials in any body of water within the corporal municipal limits.
- C. It is declared a nuisance for any person whether owner, lessee, or renter of any land, building or premises to permit the unrestricted disposal or accumulation of garbage or refuse or

construction materials or demolition materials on any property within the city. Any such accumulation is declared to constitute a nuisance and a nonconforming use of the premises.

- D. It is further unlawful to sweep or otherwise dispose of any garbage or refuse or construction materials or demolition materials on any street, gutter, alley, vacant lot, body of water or other property except as provided in this chapter. (Ord. 2-80 § 1 (part): prior code § 133(a))(Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.110 Alley, public utility easements, public thoroughfares, Right of Way Cleanup responsibility.

Cleanliness and compliance with ordinances of easements, alleyways, public utility easements (P.U.E.'s), public thoroughfares, and or any other public right of way insofar as garbage and refuse, high grass, weeds, dead trees, tree limbs, or any other violation of city ordinance is the responsibility of the contiguous property owners. Where storage of the weekly accumulation of refuse is in an alley, such accumulation of refuse shall be stored in containers in such a manner that protects it from animals; shelters it from weather; and otherwise secures it in a sanitary and clean manner. (Ord. 2-80 § 1 (part): prior code § 13-4 (part); Ord. No. 07g-02, Amended, 7/16/02, Ord. No. 05-2010, Amended 05/04/10)

Section 8.08.120 Construction wood, dead trees, limbs, and other offensive growth.

The existence of construction wood, dead trees, limbs, weeds, long grass, or other offensive growth or conditions on developed and undeveloped parcels which endanger health and safety or that obstruct street, sidewalk, or any other traffic thoroughfare, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property, constitutes a public nuisance violation.

- A. Developed Parcel. It shall be the duty of the owner and/or lessee and/or occupant of property within the City to cut, dig, destroy, remove, or cause to be cut, destroyed or removed all weeds, long grass, dead trees, limbs or other offensive growth having reached eight inches (8") upon such property and or upon streets and alleys within the curb line in front of, or abutting the property. (Ord. No. 10-2019, Amended 10/01/2019)
- B. Undeveloped Parcel. Within one hundred fifty (150) feet of any developed parcel, it shall be the duty of the owner and/or lessee and/or occupant of an undeveloped parcel to cut, dig, destroy, remove, or cause to be cut, destroyed or removed all weeds, long grass, dead trees, limbs or other offensive growth having reached eight inches (8") upon such property and or upon streets and alleys within the curb line in front of, or abutting the property.
- C. Traffic Hazards. It shall be the duty of the owner, lessee or occupant of a developed or undeveloped parcel to remove all weeds, long grass, dead trees, limbs or other offensive growth which obstructs street or sidewalk or any other traffic thoroughfare.
- D. Violations. Any violation of this section is declared to be a nuisance, and the City Manager may require the enforcement of the provisions of this section. Upon the failure of any owner, lessee or occupant of real property to comply therewith, the City Manager or his designee 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. 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 City Manager or his designee may cause such compliance and shall immediately assess and levy the cost thereof against the property upon which the violation has occurred, or which abuts the street or alley upon which the violation has occurred, and shall proceed to collect such cost in the manner provided for the collection of city taxes, which shall, upon becoming delinquent, be subjected to the same interest, penalty and liens as other delinquent city, county or state taxes. (Ord. 2-80 § 1 (part): prior code § 13-5; Ord. No. 07g-02, Amended 7/16/02, Ord. No. 05-2010, Amended 5/4/10)

Section 8.08.130 Tree limbs, branches and accumulated landscaping materials.

It shall be the responsibility of the owner and or occupant to remove and/or properly dispose of tree limbs, branches, bagged or piled grass clippings, bagged or piled leaves and other piles or accumulations of material resulting from landscaping or maintaining a parcel of land or lots. Mulching of said materials is permitted if doing so does not violate any other code provisions. (Ord. 2-80 § 1 (part): prior code § 13-3(g), (Ord. No. 05-2010, Amended 05/04/10)(Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.140 Vending.

No person shall vend or attempt to vend or dispose of any garbage or other article of food that may be decayed or partially rotten or that may have been taken from any garbage container except for animal waste products intended for rendering. (Ord. 2-80 § 1 (part): prior code § 13-3(b))

Section 8.08.150 Business establishment responsibility.

All business establishments shall be responsible for keeping the sidewalks and other public ways surrounding the property free of any dirt, garbage, refuse or rubbish except that which is properly deposited in an approved receptacle. (Ord. 2-80 § 1 (part): prior code § 13-3(d))

Section 8.08.160 Container--Specifications.

- All residential and commercial refuse generators shall have sufficient container capacity to accommodate their normal volume of solid waste between collections and/or transportation to the Rawlins Municipal Sanitary Landfill Transfer Station. (Ord. No. 10-2019, Amended 10/01/19)
- All containers shall be designed for the receipt of such solid waste materials and shall have tight fitting lids to prevent their contents from blowing away or being scavenged by animals. (Ord. No. 10-2019, Amended 10/01/19)
- Except while depositing material into and out of the waste container, the container shall remain closed at all times so that the contents are not susceptible to blowing, scavenging by animals or fly-breeding. (Ord. No. 10-2019, Amended 10/01/19)
- All commercial containers in addition to having tight fitting lids, shall have locking bars to ensure their lids remain closed to prevent the contents from blowing away and/or being scavenged by animals. (Ord. No. 10-2019, Amended 10/01/19)
- All residential and commercial municipal solid waste shall be placed in bags which are closed, secured and tied prior to placement in the refuse container to prevent municipal waste from being blown, scattered or strewn. (Ord. No. 10-2019, Amended 10/01/19)
- Bags used for this purpose shall be suitable and intended for storage and disposal of residential or commercial waste without bursting, ripping and of sufficient weight to prevent the bag and its' contents from blowing away during transportation and/or depositing into and out of the refuse container. Bags used for this purpose shall be resistant to weakening due its' contents, moisture and/or environmental conditions such as inclement weather and wind. (Ord. No. 10-2019, Amended 10/01/19)
- Exceptions are made for construction debris, demolition debris, and such other debris, which, by its' size and nature, does not lend itself to bagging. Exceptions noted herein do not remove the requirement for securing loads of material being transported to the Rawlins Municipal Sanitary Landfill Transfer Station Facility. (Ord. No. 10-2019, Amended 10/01/19)
- No containers which are intended to be manhandled shall be over fifty-five gallons in capacity. Manhandled containers, except fifty-five-gallon drums, shall be tapered to facilitate emptying. (Ord. No. 10-2019, Amended 10/01/19)

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- All residential containers provided by municipal solid waste haulers shall not exceed one hundred (100) gallon capacity. All commercial containers provided by municipal solid waste haulers require specialized equipment, accordingly no weight limit shall be imposed.
- All bags of residential municipal solid waste shall not exceed fifteen (15 lbs.) pounds of dry municipal solid waste or twenty (20 lbs.) pounds of wet municipal solid waste to help facilitate manual pick-up by municipal licensed haulers. (Ord. No. 10-2019, Amended 10/01/19)
- The gross weight of the container and contents shall not exceed one hundred twenty five pounds (125 lbs.) pounds except where commercial containers have been provided by the municipal licensed hauler. (Ord. 2-80 § 1 (part): prior code § 13-4(a); Ord. No. 07g-02, Amended, 7/16/02, Ord. No. 05-2010, Amended 05/04/10) (Ord. No. 10-2019, Amended 10/01/19)

Section 8.08.170 Container--Condemnation.

Where a container does not meet the specifications of this chapter or presents a health or safety hazard, the city shall place a notice of condemnation in a prominent position on the container notifying the owner that the container may no longer be utilized for the purpose of refuse storage. If the owner of the container is a licensed **Municipal Solid Waste**, the city shall provide them written notice of the condemnation at the address provided in their annual application. If the container is not replaced after seven (7) days, the owner shall be in violation of this chapter and the city may take the container to the city landfill and assess all applicable costs in disposal of the container, in addition to other remedies available to the city. (Ord. 2-80 § 1 (part): prior code § 13-4(b), Ord. No. 05-2010, Amended 5/4/10) (Ord. No. 10-2019, Amended 10/01/19) (Ord. No. 10-2021, Amended, 10/5/21)

Section 8.08.180 Incineration.

It is unlawful to burn any garbage or refuse within the city. The burning by business establishments of paper and paper byproducts and hospital refuse may be approved following the issuance of an annual permit by the fire chief. The permit shall be issued only upon the recommendation of the health inspector, and building official after an inspection to determine that an incinerator is:

- A. Constructed in conformance with all applicable building and fired codes;
- B. Amenable to the convenient removal of ashes and refuse;
- C. So located as not to be obnoxious to occupants of adjoining buildings and properties;
- D. Meets air standards as required by the State Department of Environmental Quality, Air Quality Division. (Ord. 2-80 § 1 (part): prior code § 13-3(f)) (Ord. 11-2007, Amended, 11/06/2007)

Section 8.08.199 Building materials or mineral waste.

Rock, stone, brick, concrete, dirt and other building materials or mineral wastes shall not be permitted to accumulate in alleyways, public utility easement (P.U.E.), and public thoroughfares or at the curb. Such material that is not to be used in the immediate future must be stored in a safe manner and in such a way to prevent rodent harborage. The city will not be responsible for the removal of rock, stone, brick, concrete, dirt and other building materials or mineral wastes. It shall be the responsibility of the owner to remove such articles for appropriate disposal to the Rawlins Sanitary Landfill or to an approved recycling center permitted to accept said materials. (Ord. 2-80 § 1 (part): prior code § 13-3(h), Ord. No. 05-2010, Amended 05/04/10)(Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.200 Waste material storage.

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 building official.

(Ord. 2-80 § 1 (part): prior code § 13-3(e))

Section 8.08.210 Hazardous waste disposal.

The City Council shall designate those hazardous waste materials that may be disposed at the facility under consultation with the Wyoming Department of Environmental Quality. Hazardous waste materials include but are not limited to dangerous materials or solutions, including but not limited to poisons, toxics, acids, constricts explosives, diseased, infected, radioactive waste, solid wastes resulting from industrial, mining, petroleum or manufacturing processes. Those hazardous wastes not designated in this manner shall be rendered harmless by the disposer and so certified all at his expense, before the material shall be accepted in the facility. All other hazardous waste shall be hauled to an approved landfill properly permitted to accept said hazardous waste materials. (Ord. 2-80 § 1 (part): prior code § 13-21(d); Ord. No. 07g-02, Amended, 7/16/02) (8.08.300, Amended, 07/16/2002)(Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.220 Petroleum contaminants.

- A. Definition. “petroleum contaminants,” as used in this chapter shall consist of those solid waste materials which contain or have attached to such those petroleum-based products which will evaporate and which have not been classified by either the Wyoming Department of Environmental Quality or the Environmental Protection Agency as “hazardous materials,” thus specifically restricting such from disposal at municipal solid waste disposal sites, and excepting used motor oil.
- B. Conditions of Disposal.
 - 1. No petroleum contaminants, nor other petroleum-based materials, may be deposited at the municipal sanitary landfill without prior consent of the City Manager.
 - 2. No petroleum contaminants will be accepted until such have been thoroughly mixed with soils, and meet the required standards of the Wyoming Department of Environmental Quality shall be disposed of in a landfill permitted to accept said contaminated materials.
 - 3. The City Manager, or his designee, may, at his option, request any individual load be weighed at the expense of the person making the delivery. The load so requested to the weighed will not be accepted for deposit until evidence of the weight has been delivered to the city manager or his designee.
 - 4. No petroleum contaminants shall be deposited without the presence of the designated landfill personnel and the specific location of such deposit having been given to the driver of the load-carrying vehicle.
- C. Fees for Disposal of Petroleum Contaminants. Fees shall be as set by resolution of the City Council as per Title 1 of this code. (Ord. No. 07g-02, Amended 7/16/02) (Ord. 08a-2008, Amended, 08/19/2008; 8.08.185, Amended, 07/16/2002)(Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.230 Appliances, automobile parts and other large waste.

Heavy appliances, automobile parts and other waste materials not reducible to the weight and size limits described in this chapter shall be rendered in a safe condition and it shall be the responsibility of the owner to remove the articles immediately to the Rawlins Municipal Sanitary Landfill Transfer Station. (Ord. 2-80 § 1 (part): prior code § 13-3(i))(Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.240 Dead animals.

All game and animal hides, heads, carcasses and feet must not be kept on any premises and must be disposed of at the Rawlins Municipal Sanitary Landfill Transfer Station within twelve (12) hours after being dressed. (Ord. No. 07g-02, Amended, 7/16/02) (8.08.130, Amended, 07/16/2002, Amended

05/04/2010)(Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.250 Animal waste rendering.

The removal of rendered animal waste products shall be totally the responsibility of the person or company providing the service and such materials shall be kept in closed sanitary containers approved by the health inspector and disposal in the sanitary landfill shall be under the complete supervision of the city. (Ord. 2-80 § 1 (part): prior code § 13-3(c).

Article III: Collection regulations.

Section 8.08.260 Collection and Hauling Method.

A. Any private person or entity hauling their own garbage, and/or refuse, and/or construction materials, and/or demolition materials, hauling his or her own garbage, and/or refuse, and/or construction material, and/or demolition material, shall deposit said municipal waste at the Rawlins Municipal Sanitary Landfill Transfer Station and is held responsible for complying with all but Sections 8.08.270 through 8.08.340 of this Chapter. (Ord. 2-80 § 1 (part): prior code § 13-11; Ord. No. 07g-02, Amended, 7/16/02, Ord. No. 05-2010, Amended 05/04/10) (8.08.190, Amended, 07/16/2002, 05/04/2010)(Ord. No. 01-2016, Amended 1/5/16) (Ord. No. 10-2021, Amended 10/5/21)

B. It is deemed in the best interest of the city that all garbage, refuse, construction materials and/or demolition materials generated, and/or accumulated and/or collected in the corporal limits shall be collected, conveyed and disposed of by licensed private competitive Municipal Solid Waste Hauler to the Rawlins Municipal Sanitary Landfill Transfer Station. The municipal licensed Municipal Solid Waste hauler is to comply with the restrictions and provisions stated in this chapter and any agreement between the Municipal Solid Waste hauler and the City. The collection of the Municipal Solid Waste hauler's fee is their sole responsibility, and the city shall not be held accountable for its collection.

Section 8.08.270 Equipment.

Each licensed Municipal Solid Waste hauler shall provide covered tank or truck, so constructed that the contents do not leak or spill therefrom, in which all garbage collected by him shall be conveyed to the sanitary landfill, unless the garbage utilized is for commercial purposes. The truck or conveyance used shall be kept clean and as free from offensive odors as possible, and shall not be allowed to stand in any street, alley or public place longer than is reasonably necessary to collect garbage. (Ord. 2-80 § 1 (part): prior code § 13-12; Ord. No. 07g-02, Amended, 7/16/02)(8.08.200, Amended, 07/16/2002) (Ord. No. 10-2019, Amended 10/01/19)

Section 8.08.275 Temporary or alternate equipment.

In circumstances where the primary equipment is out of service, during the presence of severe weather related conditions or environmental conditions such as limited and/or reduced access, the licensed Municipal Solid Waste hauler is authorized to utilize alternate and/or temporary equipment as an approved alternate method to collect and safely transport municipal solid waste/garbage. Any additional need for temporary equipment shall be at the discretion of the City Manager. This alternate or temporary equipment shall provide an adequate means to cover and secure the municipal garbage to prevent the contents from spilling, dropping, blowing, or leaking onto the ground. All municipal garbage collected in this manner shall be safely transported and conveyed directly to the Rawlins Municipal Sanitary Landfill Transfer Station or satellite transfer station. All temporary or alternate equipment shall conspicuously display adequate signage to properly identify the licensed Municipal Solid Waste hauler including but not limited to its' company logo and primary contact telephone number. (Ord. No. 10-2019, Amended 10/01/19)

Section 8.08.280 Municipal Solid Waste Hauler License -Required.

It is unlawful for any person to collect refuse and/or garbage and/or construction materials and/or demolition materials for hire without having first secured from the City Clerk a license to do so. (Ord. 2-80 § 1 (part): prior code § 13-13(a); Ord. No. 07g-02, Amended 7/16/02) (8.08.210, Amended, 07/16/2002)

Section 8.08.290 Municipal Solid Waste Hauler License-Application.

Any person desiring a license required by Section 8.08.250 shall make application therefor to the city clerk on forms provided for that purpose. (Ord. 2-80 § 1 (part); prior code § 13-13(b))

Section 8.08.300 Municipal Solid Waste Hauler License-Issuance.

Upon approval of the application by the City Council and after the payment of the required fee established by resolution of the City Council as per Title 1 of this code, the city clerk shall issue a license applied for under Sections 8.08.250 through 8.08.360. Each Municipal Solid Waste Hauler shall make annual application requesting renewal of its' Municipal Solid Waste Hauler License by the 1st day of December each calendar year. Annual Renewal of Municipal Solid Waste Hauler Licenses shall be by the Rawlins City Council at the second meeting in December and each Municipal Solid Waste Hauler's License shall be issued for one year commencing on January 1st and concluding on December 31st the same calendar year. (Ord. 2-80 § 1 (part): prior code § 13-13©: Ord. No. 07g-02, Amended, 7.16.02) (Ord. 08a-2008, Amended, 08/19/2008; 8.08.230, Amended, 07/16/2002) (Ord. No. 10-2019, Amended 10/01/19)

Section 8.08.310 Municipal Solid Waste Hauler License-Revocation.

The license of a Municipal Solid Waste hauler may be revoked for persistent and repeated failure on his part to properly collect garbage, and/or refuse, and/or construction material, and or demolition material. The license of a Municipal Solid Waste hauler may be revoked for repeated failure to properly convey all garbage, refuse, construction materials and demolition materials generated and/or collected within the municipal corporal limits of the City of Rawlins to the Rawlins Municipal Sanitary Landfill/Transfer Station. It is unlawful for any Municipal Solid Waste hauler whose license has been revoked to collect garbage, refuse, construction materials, demolition materials and/or waste material within the city; provided, that no license shall be revoked except upon a hearing before the city council upon three (3) days' notice in writing given to the Municipal Solid Waste hauler. (Ord. 280 § 1 (part): prior code § 13-13(d))(Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.330 Municipal Solid Waste Hauler Rules and Regulations.

The city council from time to time shall adopt reasonable rules and regulations not inconsistent with this chapter nor federal or state rules and regulations, to govern the operation of private Municipal Solid Waste haulers and to promote the health, safety and general welfare. (Ord. 2-80 § 1 (part): prior code § 13-14)

Section 8.08.340 Municipal Solid Waste Hauler Rules and Regulations Governing Operations of Haulers.

1. **DEFINITIONS.** For purposes of these rules and regulations, City Ordinance 8.08.010 applies with the additional language for the following defined terms and their derivations shall have the following meanings. If there is any conflict with these terms and terms found in City ordinances the City at its sole discretion will determine which term applies to haulers:
 - a. "Municipal Solid Waste/Garbage" means any putrescible solid or semi-solid animal and/or vegetable waste material resulting from the handling, preparation, cooking, serving, and consumption of food; wastes from the handling, storage and sale of produce; and any other matter whatsoever that may decompose, become foul, offensive, unsanitary or dangerous to health. It furthermore means that portion of solid waste that is normally disposed of by

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and originating from the occupants of the City's residential dwelling units, businesses, industrial, and commercial establishments (which is typically referred to as "Garbage and/or Municipal Solid Waste" in the City of Rawlins Municipal Code, as amended from time to time), located in the incorporated areas of the City, which consists of household wastes from private residences, commercial waste which originates in wholesale, retail, or service establishments such as restaurants, stores, markets, theaters, hotels, and warehouses, and institutional waste material originating in schools, hospitals, research institutions, and public buildings. In no event shall municipal solid waste/garbage include (1) any Hazardous Waste or (2) any Unacceptable Waste. (Ord. No. 10-2019, Amended 10/01/19)

- b. "Refuse" means combustible and noncombustible discarded materials including but not limited to paper, wood, glass, clothing products, leaves, clippings, woods, small branches and limbs, resulting from residential and manufacturing processes.
- c. "Construction Materials" means any building material used to construct a new facility or structure and any portion thereof, including, but not limited to, stone, woods, fencing material, insulation, wire, concrete, asphaltic concrete, railroad ties, shingles, carpeting, lumber, pallets, dirt, cinder blocks, brick, plaster, asphalt, metal, plastics, or any combination thereof.
- d. "Demolition Materials" means any existing facility or structure being disposed of and any portion thereof, including but not limited to, wood, lumber, carpeting, railroad ties, concrete, dirt, asphalt, stone, cinder blocks, brick, plaster, sheetrock, metals, plastics, tree stumps, and branches, and animal waste.
- e. "Hazardous Waste" means (1) any material or substance which, by reason of its composition or characteristics, is (a) toxic or hazardous waste as defined in either the Solid Waste Disposal Act, 42 USC 6901 *et seq.*, as replaced, amended, expanded, or supplemented, or any laws of similar purpose or effect, and such policies or regulations thereunder, or under relevant state law as replaced, amended, expanded, or supplemented, or any laws of similar purpose or effect, and any rules, regulations, or policies thereunder, or (b) special nuclear or by-products material within the meaning of the Atomic Energy Act of 1954; (2) other material which any governmental agency or unit having appropriate jurisdiction shall determine from time to time is harmful, toxic, or dangerous, or otherwise ineligible for transfer or disposal; and (3) any material which would result in process residue being Hazardous Waste under (1) and (2) above.
- f. "Unacceptable Waste" means that portion of solid waste, exclusive of Hazardous Waste, such as, but not limited to: (1) explosives, pathological and biological waste, radioactive materials, ashes, foundry sand, cesspool and other human waste, liquid wastes, human remains, sewerage, and sludge; and (2) that which in the reasonable judgment of the Hauler may be evidence of illegal activities or present a substantial endangerment to health or to safety, or has a reasonable probability of adversely affecting the operation of the License to Hauler's business.
- g. "Troublesome Materials" means waste materials of such nature as to require unusual handling and disposal procedures as defined by the Department of Environmental Quality of the State of Wyoming, which additionally includes but is not limited to, automobile equipment and tires, hazardous solids or liquids, heavy appliances, scrap metal, bulky construction materials or demolition materials, trees or tree limbs, concrete rock, stone, brick, asphalt or any other materials or items of similar nature.
- h. "Recycled Material" means raw or processed material that can be removed from a [waste stream](#), reused, and repurposed and reused into another item or use without posing unsanitary conditions and/or posing a potential health and safety concern.

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- i. “**Generate**” means to produce (something i.e. garbage, refuse, construction materials, or demolition materials) or cause (something i.e. garbage, refuse, construction materials, or demolition materials) to be produced; to bring into existence.
 - j. “**Accumulated**” means something that has [accumulated](#) or has been accumulated; the action or process of [accumulating](#); the state of being or having accumulated; increase or growth by addition especially when continuous or repeated.
 - k. “**Collected**” means gathered together; brought or placed together from various sources.
 - l. “**Transports**” means take or carry [waste materials] from one place to another by means of vehicle, aircraft, or ship; a system or means of conveying [waste material] from place to place by means of a vehicle, aircraft or ship.
 - m. All other relevant definitions as provided by DEQ, Solid Waste Management Rules and Regulations, Chapter I.
 - n. The City specifically reserves the right to deny and refuse landfill services for non-payment and will in all cases best serve the interest of the City.
2. **NON-EXCLUSIVE LICENSE TO HAUL.** This License to Haul is a non-exclusive License to Haul granted to Municipal Solid Waste Hauler, recognizing that more than one License to Haul may be granted to allow others to perform the same acts or offer the same services for the same or lesser extent than is hereby granted including the reservation by the City to not renew this license and collect and dispose of Garbage in the City in any manner the City deems in the best interest of the health, safety and welfare of the City.
3. **DISPOSAL OF GARBAGE, REFUSE, CONSTRUCTION MATERIALS, AND DEMOLITION MATERIALS:** All garbage, refuse, construction materials and demolition materials generated and/or collected within the municipal corporal limits of the City of Rawlins shall be properly conveyed and transferred to the Rawlins Municipal Sanitary Landfill/Transfer Station for disposal.
4. **EMPLOYEE TRAINING.** The City of Rawlins shall hold annual training, not to exceed four (4) hours per year which shall provide sufficient training for all attendees to adequately recognize hazardous waste, unacceptable waste and nuisance violations, thereby providing detailed instruction regarding proper reporting of these issues when they are discovered. Annual training provided by the city shall be scheduled in cooperation with all municipal solid waste haulers and attended by all licensed municipal solid waste hauler employees that are employed to transport and pick-up municipal solid waste within the city. (Ord. No. 10-2019, Amended 10/01/19)
5. **BUSINESS OFFICE.** The Municipal Solid Waste hauler shall provide to the City Clerk its primary business address where their business is transacted, a primary phone number for customer service accessible by a local-prefix or toll free and any other additional means of contacting their business for customer convenience. The Municipal Solid Waste hauler shall be available during normal business, said business hours to be determined by each respective hauler, in order to be responsive to customer needs and shall make a conscientious effort to resolve all complaints in a timely manner. Municipal Solid Waste Hauler shall provide the city with an emergency contact telephone number for use outside normal business hours. All contact information shall be updated regularly to ensure the city has full, complete and accurate contact information for Hauler during the license year. (Ord. No. 10-2019, Amended 10/01/19)
6. **FEES PAID TO CITY BY HAULER:**
 - a. Dump fees (tipping fees) will be set by the City Council or provided in City ordinance Section 1.01.110. (Ord. No. 10-2019, Amended 10/01/19)
 - b. License fees as required by City ordinance 8.08.230 and set by the City Council or provided in City ordinance Section 1.01.110. (Ord. No. 10-2019, Amended 10/01/19)
 - c. All municipal fees shall be paid to the City on a monthly basis and no later than the last business day of the month by check, cash or ACH transfer. (Ord. No.

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- d. All fees chargeable under this article shall be due and payable to the Finance Department on or before the last business day of the month following the date of the bill, the nonpayment shall result in the forfeiture of the Hauler performance bond or at the discretion of the City the City may require the Municipal Solid Waste Hauler to pay land use fees at City Hall prior to use of the landfill or make other arrangements satisfactory to the City. (Ord. No. 10-2019, Amended 10/01/19)
7. **HAULER'S IDENTITY.** The name of Municipal Solid Waste Hauler's business and contact information shall be conspicuously displayed on all of its equipment, its containers, including its trucks.
8. **UNIFORMS.** Employees of the Municipal Solid Waste Hauler that are engaged in collection and disposal shall wear uniforms of a nature readily identifiable as employees of the Municipal Solid Waste Hauler obtaining this Grant of Authority to Haul, such as shirts, hats or outer garments bearing the Hauler's business name or emblem.
9. **INFORMATION TO CITY.** In the event that Municipal Solid Waste hauler intends to change fees or service the City Manager will be contacted in writing one month prior to the change.
10. **BOND.** Simultaneously with the execution of these rules and regulations and license, the Municipal Solid Waste Hauler shall deposit with the City Clerk a bond running in favor of the City guaranteeing the faithful performance by the Municipal Solid Waste Hauler under the terms of the rules and regulations and the License to haul specifically referring to these rules, regulations and License to haul. The bond shall be a cash bond or performance bond with good and sufficient surety acceptable to the City in an amount of One Hundred Thousand Dollars (\$100,000.00). The bond will be used by the City in the event the City incurs a financial loss due to a violation of the rules, regulation and license up to the amount of loss.
11. **INDEMNITY.** The Municipal Solid Waste hauler does hereby release and agree to indemnify, defend and save harmless the City, its agents, employees and representatives from and against all claims, actions, causes of action, demands, judgments, costs, expenses and all damages of every kind and nature (collectively "Losses"), incurred by or on behalf of any person or corporation whatsoever, predicated upon injury or death to any person or loss of or damage to property of whatever kind or ownership but only to the extent such Losses arise out of or are connected with, directly or indirectly, the operations of the Municipal Solid Waste hauler. The obligations of the Municipal Solid Waste hauler in this Section shall not apply to the extent that any such Losses are caused by the negligence, willful misconduct or breach of these rules and regulations by the City, its agents, employees and representatives or other parties not affiliated with Tenant.
12. **LIABILITY INSURANCE.** The Municipal Solid Waste hauler shall maintain insurance coverage for losses to persons and property in the amounts of One Million Dollars (\$1,000,000.00) liability to persons, and One Million Dollars (\$1,000,000.00) liability to property, which insurance coverage policy or evidence thereof shall be filed with the City Clerk to show continuous compliance with this condition for coverage for as long as the License to Municipal Solid Waste hauler exists. Policy must state that the City shall be notified in the event of cancelation or modification.
13. **HOURS OF COLLECTION (Residential).** All Garbage collected from every residential building shall be collected at least once a week between the hours of 7 a.m. to 7 p.m.
14. **HOURS OF COLLECTION (Commercial).** All Garbage collected from businesses, industrial and institutional establishments in the City will be collected at the discretion of Hauler at such times as are necessary with a minimum of one (1) time per week. For the purpose of this Section, business, industrial and institutional establishments shall include, but not be limited to, stores, markets, restaurants, hospitals, factories and similar establishments.

15. **HOLIDAYS.** The Municipal Solid Waste hauler may collect or transport on Holidays but the City landfill/transfer station may at City discretion observe New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas each year and if so will suspend operations on those holidays.
16. **INCLEMENT WEATHER.** When weather conditions are such that the Municipal Solid Waste hauler's collection of Garbage would result in danger to the License to hauls staff, area residents, or property, the Hauler shall collect only in areas that in its reasonable discretion do not pose a danger to life or property. Following a service interruption, the Municipal Solid Waste hauler shall provide collection service on the day following the regular service day when normal conditions resume with the following day's service provided on the next day, and so forth. If weather has interrupted service for several days, the Municipal Solid Waste hauler shall collect reasonably accumulated amounts of Garbage on the following week's regularly scheduled collection day.
17. **FEES FOR COLLECTION.** The fee for collection and disposal is that amount negotiated between Municipal Solid Waste hauler and customer.
18. **COMPLIANCE WITH LAW.** Municipal Solid Waste Hauler's operation of its business, including the operation of its vehicles, shall be in conformity with federal, state and local laws including rules and regulations.
19. **USE OF STREETS AND ALLEYS.** The Municipal Solid Waste Hauler understands and accepts this License to Haul with no assurance from the City whatsoever that the City will clear any way for the exclusive use of the Municipal Solid Waste Hauler in the operation of its vehicles other than the normal cleaning of streets and dedicated alleys in the manner and according to priorities assigned by the City officials. It being further expressly understood that the City grants no permission or authorization to Municipal Solid Waste Hauler to enter upon private property or alleys not dedicated for public use.
20. **PROHIBITION AGAINST PRICE FIXING.** Municipal Solid Waste hauler shall at no time enter into any acts with any other Municipal Solid Waste hauler or prospective Municipal Solid Waste hauler in an attempt to regulate or fix costs for the purpose of avoiding or eliminating competition in charges to customers for collection and disposal of Garbage in the City.
21. **TERMINATION BY HAULER.** The Municipal Solid Waste hauler shall have the right to terminate this license for any reason upon ninety (90) days written notice to the City. Failure of the Municipal Solid Waste Hauler to provide said notice upon elective termination shall result in a forfeiture of the Municipal Solid Waste Haulers' performance bond up to the amount of any financial loss to the City.
22. **AMENDMENT.** These rules and regulations may be amended from time to time by the City pursuant to Wyoming Statutes and City Ordinances.
23. **TERM OF GRANT OF AUTHORITY TO HAUL.** These rules and regulations and the License to Haul shall continue in effect from January 1 to December 31 of each year unless terminated or amended as herein provided. License fee for license purchased after July 1 will be prorated.
24. **ASSIGNMENT OR TRANSFER.** These rules and regulations and the License to Haul may not be assigned or transferred without the consent of the City and surety.
25. **FORCE MAJEURE.** The Municipal Solid Waste Hauler shall not be in default under these rules and regulations in the event that the collection, transportation and/or disposal services of the Municipal Solid Waste Hauler are temporarily or permanently interrupted for any of the following reasons: riots; war or emergency declared by the President, Congress or the Governor of Wyoming; sabotage; acts of terrorism; civil disturbance; insurrection; explosion; natural disasters such as flood, earthquakes, blizzards, landslides and fires; strikes, lockouts and other labor disturbances; or other catastrophic events which are beyond the reasonable control of the Municipal Solid Waste Hauler. The Municipal Solid Waste Hauler shall resume its services as soon as it is able to do so and shall collect Garbage not collected during the period of interrupted service.

26. **LAW TO GOVERN; VENUE.** The laws of the State of Wyoming shall govern these rules and regulations without regard to any otherwise governing principles or conflicts of laws. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the Second Judicial District, County of Carbon.

27. **MISCELLANEOUS PROVISIONS**

i **Governmental Immunity.** The City of Rawlins specifically retains all immunities and defenses available to it as a governmental entity pursuant to the Wyoming Governmental Claims Act, Wyo. Stat. §1-39-101 et seq., and all other applicable laws. Designation of venue, choice of law, enforcement action, and similar provisions will not be considered as a waiver of governmental immunity. The City shall have no indemnification obligations that exceed or are in contravention of any applicable law, including, but not limited to, Wyoming Constitution Article 16, Sections 6 and 7, which prohibit indemnification by the City.

ii **Notices.** All notices, requests, demands and other communications under these rules and regulations shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the day of mailing if mailed to the party to whom notice is to be given, by first class mail, registered or certified, postage prepaid, or by express delivery with handling prepaid, and properly addressed as follows:

- City Manager, City of Rawlins, P.O. Box 953, Rawlins, Wyoming 82301.
- Municipal Solid Waste Hauler:

Any party may change an address for purposes of this paragraph by giving the other party written notice of the new address in the manner set forth above.

iii **Nondiscrimination.** Municipal Solid Waste Hauler shall comply with the Civil Rights Act of 1964, the Wyoming Fair Employment Practices Act, Wyo. Stat. §27-9-105 et seq., and the Americans with Disabilities Act (ADA), 42 W.S.C. §12101, et seq. Municipal Solid Waste Hauler shall assure that no person is discriminated against based on the grounds of age, race, sex, creed, color, national origin, ancestry, qualified disability, or pregnancy in connection with the performance of these rules and regulations.

iv **Documented Workers.** The Municipal Solid Waste Hauler will not knowingly employ or contract with an illegal alien; the Hauler shall not enter into a contract with a subcontractor that fails to certify to City that the subcontractor shall not knowingly employ or contract with an illegal alien. (Ord. 2-80 § 1 (part): prior code § 13-21(e); Ord. No. 07g-02, Amended, 7/16/02)(8.08.310 Amended, 07/16/2002)(Ord. 06-2012)(Ord. No. 01-2016, Amended 1/5/16)

Section 8.08.350 Other Disposal Sites.

It is unlawful for any person to use land or places within the jurisdiction of the city for the purpose of dumping ashes, refuse, garbage, waste or other matter other than the sanitary landfill provided in this article. (Ord. 2-80 § 1 (part): prior code § 13-22, Ord. No. 05-2010, Amended 5/4/10)

Article IV: Fees

Section 8.08.360 Enterprise fund fees.

All charges, fees or other income shall, upon delivery to the Finance Department shall be deposited to the credit of the sanitation fund of the city to be made available and defray the expense of proper maintenance of the city's solid waste management system. (Ord. 2-80 § 1 (part): prior code § 1323(b)) (Ord. No. 10-2019, Amended 10/01/19)

Section 8.08.370 Use fees established by city council.

All fees imposed and collected for access to or use of the facility shall be established by resolution of the City Council, as described in City Ordinance 1.01.110. (Ord. 6C-87 § 1; Ord. 986: Ord. 6D-80 § 3: Ord. 2-80 § 1 (part): prior code § 13-23(c)) (Ord. No. 6B-93, Amended, 06/15/93/: Ord. No. 07g-02, Amended, 7/16/02, Ord. No. 05-2010, (Amended 05/04/10) (8/08.350, Amended, 07/16/2002, 05/04/2010) (Ord. No. 10-2019, Amended 10/01/19)

Section 8.08.370 Use fees.

All fees imposed and collected for access to or use of the facility shall be established by resolution of the City Council, as described in City Ordinance 1.01.110. (Ord. 6C-87 § 1; Ord. 986: Ord. 6D-80 § 3: Ord. 2-80 § 1 (part): prior code § 13-23(c)) (Ord. No. 6B-93, Amended, 06/15/93/: Ord. No. 07g-02, Amended, 7/16/02, Ord. No. 05-2010, (Amended 05/04/10) (8/08.350, Amended, 07/16/2002, 05/04/2010) (Ord. No. 10-2019, Amended 10/01/19)

Section 8.08.380 Fee Payment.

All fees chargeable under this article shall be due and payable to the Finance Department on or before the last business day of the month following the date of the bill. (Ord. 2-80 § 1 (part): prior code § 13- 23(d)) (Ord. No. 10-2019, Amended 10/01/19)

Section 8.08.390 Penalty for Failure to Pay Fees.

All accounts under this article shall be carried in the names of the respective property owners and the owner, agent, tenant, purchasers and lessee of each such place or abode or place of business shall, each and all, be jointly and severally liable for the payment of all fees under this chapter. Failure to pay any fees when due shall constitute a violation of the provisions of this chapter. Collection of the fees relating to this chapter when delinquent may be enforced by civil action at law brought by the city in any court with competent jurisdiction. This remedy is cumulative and not exclusive and shall be in addition to all penalties provided by this chapter for violation of any of the provisions of this chapter. (Ord. 2-80 § 1 (part): prior code § 13-23(e)) (Ord. 08a-2008, Amended, 08/19/2008)

Section 8.08.400 Limitation.

No materials shall be accepted at the facility which originate outside of the service area approved under the Wyoming Department of Environmental Quality Permit unless permission is first granted to deposit the material by the Department of Environmental Quality and approval of the City Manager or his designee. (Ord. No. 07g-02, Amended, 7/16/02) (8.08.390, Amended, 07/16/2002)

**Chapter 8.12
NOISE CONTROL**

Sections:

- 8.12.010 Nuisance.**
- 8.12.020 Creating noise unlawful.**
- 8.12.030 Enumeration of noises not exclusive.**
- 8.12.040 Sound amplifying equipment.**
- 8.12.050 Defective vehicle or load.**
- 8.12.060 Adjacent to school, court, church or hospital.**
- 8.12.070 Hawkers or peddlers.**

Section 8.12.010 Nuisance.

It is found and declared that the making, creation or maintenance of loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and effect are a detriment to public health, comfort, convenience, safety and welfare of the residents of the city and are declared a nuisance. (Prior code § 18-23)

Section 8.12.020 Creating noise unlawful.

It is unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city. (Prior code § 18-24)

Section 8.12.030 Enumeration of noises not exclusive.

The various noises and causations of noises enumerated in this chapter, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but the enumeration shall not be deemed to be exclusive. (Prior code § 18-25)

Section 8.12.040 Sound amplifying equipment.

The use or operation of any sound amplification device which produces or transmits loud and raucous sounds, in such a manner as to interfere with the comfort and tranquility of the public shall be unlawful. (Ord. 8Q-83: prior code § 18-26)

Section 8.12.050 Defective vehicle or load.

The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, rattling or other noise is declared to be in violation of this chapter. (Prior code § 18-27)

Section 8.12.060 Adjacent to school, court, church or hospital.

The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while they are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the building is a school, hospital or court street is declared to be in violation of this chapter. (Prior code § 18-28)

Section 8.12.070 Hawkers or peddlers.

The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood is declared to be in violation of this chapter. (Prior code § 18-29)

**Chapter 8.16
NUISANCES**

Sections:

- 8.16.010** **Violation prohibited.**
- 8.16.020** **Enumeration not exclusive.**
- 8.16.030** **Notice to abate nuisance, compliance required.**
- 8.16.040** **Notice to abate nuisance, contents --procedure.**
- 8.16.050** **Hearing procedure.**
- 8.16.060** **Removal, voluntary consent and Affidavit.**
- 8.16.070** **Disposal, assessment of costs.**
- 8.16.080** **Search warrant.**
- 8.16.090** **Property maintenance, owner and occupant responsibility.**
- 8.16.100** **Abatement, court action authorized.**
- 8.16.110** **Litter removal, authorization, notice, cost to be a lien.**
- 8.16.120** **Littering, general restrictions, prosecution.**
- 8.16.125** **Dead animals.**
- 8.16.130** **Nuisance citations.**
- 8.16.140** **Title to impound vehicles.**
- 8.16.150** **Notice to removal.**
- 8.16.160** **Residential outside storage.**

Section 8.16.010 **Violation prohibited.**

The accumulation or storage of derelict, abandoned, wrecked, dismantled, unlicensed or inoperative vehicles litter or junk on private or public property, including public utility easement (P.U.E.) and public thoroughfares 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 litter, 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 city. 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 and be required to reimburse the City for expenses incurred in the abatement of the nuisance. (Prior code §18-1)(Ord. 05-2010, Amended 05/04/2010)

Section 8.16.020 **Enumeration not exclusive.**

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.

A. Things Interfering With Peace or Comfort. Sounds, animals or things that interfere with the peace or comfort or disturb the quiet of any person in the city shall constitute a public nuisance.

B. 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.

C. 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 shall constitute a public nuisance.

D. Water Pollution. The obstruction or pollution of any watercourse or source of water supply in the city.

E. Stagnant Water. Any stagnant pool of water in the city.

F. Emission of Dense Smoke. The emission of dense smoke from any fire, chimney, engine, oil burner

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or other agency in the city 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.

G. Certain Weeds. Weeds determined to be noxious by the Wyoming Weed and Pest Council, 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 city including easements, alleys and right of ways.

H. 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 city, including platted lots, easements and right of ways except naturally occurring plant life in undeveloped areas of the city.

I. Abandoned, Junked, etc., Vehicles. Unlicensed, abandoned or junk vehicles and parts or remains thereof parked upon private property, public property, public streets, alleys, easements, right of ways or other ways are declared to be nuisances. The presence of an unlicensed vehicle, abandoned, wrecked, dismantled, derelict or inoperative vehicle, on private or public property, is declared to constitute a public nuisance that may be abated as such in accordance with the provisions of this chapter. The tearing down, stripping or junking of such vehicles shall be permitted only where and when such use is specifically authorized, permitted or licensed under other ordinances of the city and in strict accordance therewith; or which use is conducted entirely within the confines of an accessory garage building, 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 city.

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 conditions or a reasonable time to remove the vehicle for repairs:

1. If the vehicle is left unattended on a public street, highway, alley, parking lot or other public property within the jurisdictional limits of the city for more than twenty-four hours after a notice has been placed upon the vehicle pursuant to the provisions of Section 8.16.030 or the vehicle has been impounded and the notice of impound has been given pursuant Wyoming Statutes §§ 31-13-101, et seq., and the vehicle has not been claimed; or

2. If the vehicle has been left unattended on private property without the consent of the owner or person in lawful possession thereof.

Derelict Vehicles. A vehicle, or parts thereof, shall be deemed to be "derelict" if the vehicle is:

1. Inoperable to the extent that it is unable to perform its original intended function;
2. Partially or wholly dismantled;
3. In a condition that prevents legal operation;
4. Junked or intended to be recycled or scrapped;
5. An unlicensed vehicle.

This section defining derelict and abandon vehicles shall not apply to the following:

1. A vehicle that is enclosed in a secure building;
2. 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 as determined by the City Manager with written authorization;

3. A vehicle in an appropriate storage or depository facility maintained in a lawful place and manner by a governmental agency;

4. An antique motor vehicle as defined in W.S. 31-2-210 which is licensed as provided by law.

5. A vehicle which is covered by an intact custom car cover made for the specific type and size of vehicle which it covers.

- a. In no instance may a person have more than two (2) such covered vehicles on his or her property.

- b. No custom covered vehicle may be stored on public property or right-of-way.

6. A race car that is currently actively engaged in racing and equipped for racing with roll cage, windows removed, drivers name, sponsors and number displayed. Demolition race cars shall be considered derelict vehicles two weeks after the demolition race.

7. An automobile repair shop may only have derelict vehicles on the premises for the time necessary under agreement for repair with business customers; automobile dealers may not have derelict vehicles on the premises for resale.

J. Junk. Any iron, glass, weeds, metal, lumber, stumps, grass, trash, straw, hedge trimmings, cut tree branches, paper, cordage, cloth, construction debris building material 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 within the city or any city property within or without the corporate limits of the city or upon or within the entire width between the boundary lines of every way when any part thereof is open to the use of the public for purposes of vehicular travel, public utilities and rights of way shall constitute a nuisance.

K. Foul, Offensive Conditions. Any cellar, vault, private drain, pool, privy, sewer or grounds upon any premises owned or occupied by any person which 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.

L. Any refrigerator or freezer, electronic equipment or appliance which is not being utilized for its intended use. (Ord. 8-88; prior code §18-2; Ord. 05-2010, Amended 05/04/10)

Section 8.16.030 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 ten days after 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 within 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 city 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. (Ord. 8-88; prior code § 18-2) (Ord. 07-2005, Amended, 07/19/2005)

Section 8.16.040 Notice to abate nuisance, contents and procedure

A. Whenever the city manager or his appointed representative is of the opinion that any condition is a public nuisance as defined herein, the city manager 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 city 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 8.16.010; 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 ten days from the date on the notice.

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4. A statement that if the nuisance is not abated within the time provided, the city 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 ten 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 city 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 city manager 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 certification of any officer or employee of the city, 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 years from the date of abatement of the nuisance for which notice has been given. (Ord. 8B-83: prior code § 18-4)(Ord. 07-2005, Amended, 07/19/2005)

Section 8.16.050 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 ten 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 8.16.010, of which notice has been given, and which remains unabated for more than ten days, the city manager or his representative is granted the authority 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 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 city 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 city attorney.
- D. As such hearing, all parties and the city 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 city manager and/or his 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. (Ord. 8C-83; prior code § 18-5) (Ord. 07-2005, Amended, 07/19/2005)

Section 8.16.060 Removal, voluntary consent and 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 city. In order to give such consent, all owners of the property shall execute an affidavit in a form acceptable to the city 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 city for the actual costs of removal or such other costs as are established by the city manager for such removal; and that such reimbursement will be made to the city within thirty days of removal. Such affidavit shall constitute a statement by the owners signing such affidavit that they will indemnify the city 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 city from any obligation to account or pay over to the owners any amount the city receives for the property. (Prior code §18-6; Ord. No. 05-2010, Amended 05/04/2010)

Section 8.16.070 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 7-2-105 of the Wyoming Statutes, 1977, or Sections 31-13-108, 31-13-109 and 31-13-110 of the Wyoming Statutes, 1977

B. The city manager 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 city 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 city the right to waive cost of removal.

C. Upon the owner's failure and/or refusal to comply with the written notice to remove the nuisance within the specified time period, the City Manager or his designee may, in addition to issuing the owner a citation, after due process of law, authorize the removal of such nuisance, and the owner of the lot or parcel from which the nuisance is removed, shall be liable for all costs of the removal.

D. The City Manager or his designee may initiate legal proceedings for the collection of costs of the removal against the owner of the lot or parcel, upon the owner's failure and/or refusal to pay the costs within thirty (30) days, following demand for payment by the City Manager or his designee. (Ord. 8D-83: prior code §18-7, Ord. No. 05-2010, Amended 05/04/10)(Ord. 07-2005 Amended, 07/19/2005, 05/04/2010)

Section 8.16.080 Search warrant

- A. The city manager 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 city manager, his representative or to any officer authorized to enforce or assist in enforcing the laws of the state or of the city. The warrant shall state the grounds or probable cause for its issuance and the names or 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. (Prior code § 18-8)(Ord. 07-2005, Amended, 07/19/2005)

Section 8.16.090 Property maintenance--Owner and occupant responsibility.

A. The owner or person in control of any private property shall at all times maintain the premises including easements, alley, public utility easement (P.U.E.), public thoroughfare and right of ways on or across 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 city sidewalks, strips and parkways, and private or publicly owned fences and wall bases, grassy and planted areas, borders, embankments and other such lodging points. Any contract with a realtor for sale or management of unoccupied property shall list who the responsible party is for purposes of this section.

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, public utility easement (P.U.E.), public thoroughfares is the responsibility of the contiguous property owners.

C. It is unlawful to sweep or push litter from sidewalks and strips or parkways, public utility easement (P.U.E.), public thoroughfares into streets. Sidewalk, strip, parkway, public utility easement (P.U.E.), public thoroughfares 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, public utility easement (P.U.E.) or public thoroughfares. Such material must be stored on private property in a safe manner and in such a way to prevent rodent harborage. (Prior code § 18-9; Ord. No. 05-2010, Amended 05/04/10)

Section 8.16.100 Abatement -- Court action authorized

The city attorney is authorized to institute such proceedings in the name of the city in any court having jurisdiction over such matters against any property, entity or individual for which the charge for abating a nuisance under this chapter has remained unpaid for a period of thirty days after a bill therefor has been rendered to the owner of the property involved. (Ord. 8F-83 § 18-10)(Ord. 07-2005, Amended, 07/19/2005)

Section 8.16.110 Litter removal -- Authorization -- Notice --Cost to be a lien

In addition to any other penalties or remedies, the city manager 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 manager or his designee shall have it removed and the cost of removal shall be assessed against the property and constitutes 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 (Prior code § 18-11) (Ord. 07-2005, Amended, 07/19/2005)

Section 8.16.120 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, litter in any manner or amount on any public or private property within the corporate limits of the city, except in containers or areas lawfully provided therefor. (Ord. 8E-83; prior code § 18-12)

Section 8.16.125 Dead animals.

All game and animal hides, heads, carcasses and feet must not be kept on any premises and must be disposed of at the sanitary landfill within twelve hours after being dressed. (Ord. No. 07g-02, Amended, 7/16/02, Ord. No. 05-2010, Added 05/04/10)(8.08.130, Amended, 07/16/2002, Amended 05/04/2010)

Section 8.16.130 Nuisance Citations

Code Enforcement Officers are hereby granted authority to enforce the ordinances found in this Chapter through the use of forfeitable citations through the Rawlins Municipal Court using the bond schedule developed by the Rawlins City Council. (Ord. No. 08-02, Adopted 8/6/02)(Ord. 07-2005, Amended, 07/19/2005; 8.16.130, Added, 08/12/2002; 8.16.130, Amended, 08/21/2002)

Section 8.16.140 Title to impounded vehicles

Title to any impounded vehicle not reclaimed by the registered owner or any lien holder within thirty days of the date of the requirements of Section 8.20.060 shall vest in the city. A change in the title may be obtained by the city pursuant to the authority of this chapter and the procedure established in state statutes to obtain a change in title. (Ord. No. 05-2010, Amended 05/04/2010)

Section 8.16.150 Notice to removal

- A. Upon removal of any vehicle by the city, 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 city 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. (Ord. 07-2005, Add, 07/19/2005)

Section 8.16.160 Residential outside storage

All residential outside storage shall:

- 1. Have a residential building on site or a building permit prior to any residential outside storage being permitted. Any and all permitted residential outside storage shall be limited to residential zoned lots or residential use lots only.
- 2. Be no closer than the front building line of the residence or twenty five feet (25 ft.) from the front property line whichever is less.
- 3. Be limited to an area of no more than one hundred twenty square feet (120 sq. ft.) per lot

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or combination of lots as legally described for the primary residence and on file with the Carbon County Assessor's Office, with the exception of firewood that is stacked and stored in accordance with and as defined in Section 8.08.010 H of this code.

4. Be limited to a height of five feet (5 ft.).
5. The outside storage of tires shall not be permitted on any residentially zoned lots or residential use lots.
6. Residential outside storage of construction materials may be allowed, provided that the construction materials are for use on site pursuant to a current, valid construction permit. All other construction materials for projects not requiring a building permit and any other construction materials may be stored subject to all other limitations of this code. (Ord. 05-2010, Added 05/04/10)

Chapter 8.18

DANGEROUS CONDITIONS

Sections:

- 8.18.010** **Conditions Dangerous to Children**
- 8.18.020** **General Dangerous Conditions**
- 8.18.030** **Reduction in Landfill Fees for the Abatement of Dangerous Conditions**

Section 8.18.010 **Conditions Dangerous to Children**

Whosoever abandons or stores any refrigeration unit or icebox, derelict vehicle or other condition that could trap a child in such a place as to be easily accessible to children without having first made adequate provisions to prevent entry into such without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, or otherwise ensure lack of access shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be punished in accordance with the penalties in Section 1.08.010 of the Municipal Code of the city. (Ord. 7A-88; Ord. 05-2010)

- A. Any items described above stored as part of a commercial business located on property adjacent to a residential zone shall be enclosed in a six foot chain link fence with slats or other fencing requested by the owner that is compatible with and complimentary to the neighborhood and acceptable to the City of Rawlins.

Section 8.18.020 **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 City. Dangerous conditions include, but are not limited to structures in violation of the Uniform Building Code for the Abatement of Dangerous Buildings, 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 1.08.010 of the Municipal Code of the City. The procedure for abatement of Dangerous Conditions shall be per Section 8.16.030 through 8.16.120, of the Rawlins Municipal Code. (Ord. No. 02-03, Adopted, 2/18/03)(02-2003, Added, 2/28/2003)

Section 8.18.030 **Reduction in Landfill Fees for the Abatement of Dangerous Conditions**

A Property owner who has been served through the City of Rawlins Dangerous Conditions Process or voluntarily agrees to abate, and has been determined to have a dangerous condition(s) as determined by the authority having jurisdiction existing on their property may apply for a reduction in landfill costs to assist in the abatement of the conditions by repair, rehabilitation, demolition or removal of the dangerous condition(s) in accordance with the procedures specified in the 1997 Abatement of Dangerous Buildings.

Such application which sets forth the financial need (indigency) of the owner shall be made through the City Manager's Office for consideration and final approval by the Rawlins City Council at a regularly held city council meeting and is subject to all codes, requirements and

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stipulations set forth through a signed settlement agreement to facilitate the abatement of the dangerous condition(s). This ordinance in no way guarantees or creates any entitlement to any reduction in municipal fees, or special consideration in the abatement process by the property owner. Reduction in landfill fees are subject to availability of municipal funds which may prohibit or limit the level of assistance that may be provided. Additionally, any landfill fee reduction granted shall not be in excess of Five Thousand Dollars (\$5,000.00) and is conditioned upon all dangerous conditions being abated to the satisfaction of city personnel and upon a final passing inspection. (Ord. No. 08-2015, Amended 8/18/15)