

**BYRON
TOWN
CODE**

**A Codification of the General Ordinances
of the Town of Byron, Wyoming**

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TABLE OF CONTENTS

Preface

Table of Revised Pages

Title 1 General Provisions

Title 2 Administration

Title 3 Animals

Title 4 Boundaries of the Town

Title 5 Elected Officials

Title 6 Public Peace, Morals and Welfare

Title 7 Police and Municipal Court Procedure

Title 8 Public Utilities

Title 9 Streets and Sidewalks

Title 10 Vehicles and Traffic

Title 11 Land Use and Development

Tables

Index

PREFACE

Citation to the Byron Town Code: This code should be cited as BTC; i.e., “see BTC 3.05.010.” A BTC title should be cited BTC Title 3. A BTC chapter should be cited Chapter 3.05 BTC. A BTC section should be cited BTC 3.05.010. Through references should be made as BTC 3.05.010 through 3.05.040. Series of sections should be cited as BTC 3.05.010, 3.05.020, and 3.05.030.

Numbering system: The number of each section of this code consists of three parts, in sequence as follows: Number of title; number of chapter within the title; number of section within the chapter. Thus BTC 3.05.020 is Title 3, Chapter 5, Section 20. The section part of the number (.020) initially consists of three digits. This provides a facility for numbering new sections to be inserted between existing sections already consecutively numbered. In most chapters of the BTC, sections have been numbered by tens (.010, .020, .030, .040, etc.), leaving nine vacant numbers between original sections so that for a time new sections may be inserted without extension of the section number beyond three digits.

Legislation: The legislative source of most sections is enclosed in brackets at the end of the section. References to ordinances are abbreviated; thus “[Ord. 2221 § 1, 1995; Ord. 2024 § 2, 1991.]” refers to Section 1 of Ordinance No. 2221 and Section 2 of Ordinance No. 2024. “Formerly” followed by a BTC citation preserves the record of original codification. A semicolon between ordinance citations indicates an amendment of the earlier section.

Codification tables: To convert an ordinance citation to its BTC number consult the codification tables. The parenthetical information at the end of each ordinance entry indicates where the ordinance has been codified. Ordinances designated as “Special,” “Repealed,” or “Not Codified” do not appear in the code.

Index: A complete subject matter index is included for BTC Titles 1 through 11. The index includes complete cross-referencing and is keyed to the section numbers described above.

Errors or omissions: Although considerable care has been used in the production of this code, it is inevitable in so large a work that there will be errors. As users of this code detect such errors, it is requested that a note citing the section involved and the nature of the error be e-mailed to: CPC@codepublishing.com, so that correction may be made in a subsequent update.

Computer access: Code Publishing Company supports a variety of electronic formats for searching, extracting, and printing code text; please call the publisher for more information.

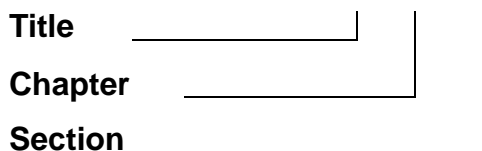
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Seattle, Washington
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How to Amend the Code

Code Structure and Organization

The code is organized using a 3-factor decimal numbering system which allows for additions between sections, chapters, and titles, without disturbing existing numbers.

2 . 04 . 050



Typically, there are 9 vacant positions between sections; 4 positions between chapters, and several title numbers are “Reserved” to allow for codification of new material whose subject matter may be related to an existing title.

Ordinances of a general or public nature, or one imposing a fine, penalty or forfeiture, are codifiable. Prior to enacting a codifiable ordinance, ascertain whether the code already contains provisions on the topic.

Additions

If the proposed ordinance will add material not contained in the code, the ordinance will specify an “addition”; that is, a new title, chapter, section, or subsection, will be added. For example:

Section 1. Chapter 5.20, Taxicab Licenses, is added to read as follows:

-or-

Section 1. A new title, Title 18, Zoning, is added to read as follows:

A specific subsection can also be added when appropriate:

Section 2. Subsection D is added to Section 5.05.070, to read as follows:

Amendments

If the ordinance amends existing code provisions, specify the affected section or chapter numbers in the ordinance. This kind of amendment typically adds a section to an existing chapter, or amends an existing section. Set out the entire section or subsection, not just the text (e.g., sentence) that was changed. For example:

Section 1. Section 5.05.030 is amended to read as follows:

-or-

Section 1. Section 5.05.035, Additional fees, is added to Chapter 5.05 to read as follows:

An ordinance can also amend a specific subsection of a code section:

Section 3. Subsection B of Section 5.05.070 is amended to read:

Repeals

Ordinances which repeal codified material should specify the code chapter, section, or subsection number. The chapter, section, or subsection numbers will be retained in the code, along with their title, as a record of ordinance activity (and as an explanation for gaps in the numbering sequence). The number of the repealed section or chapter number can be reused at a later time when desired. For example:

Section 2. Section 5.05.020, License, is repealed.

Renumbering

If the ordinance renumbers existing code provisions (either sections or subsections), identify how remaining sections or subsections should be renumbered (or relettered).

Codification Assistance

Code Publishing Company can assist either in specifying code numbers or in providing other codification related problems free of charge. Please call us at (206) 527-6831.

TABLE OF REVISED PAGES

The following table is included in this code as a guide for determining whether the code volume properly reflects the latest printing of each page. This table will be updated with the printing of each supplement.

Through usage and supplementation, pages in looseleaf publications can be inserted and removed in error when pages are replaced on a page-for-page substitution basis.

The “Page” column lists all page numbers in sequence. The “Revised Date” column reflects the latest revision date (e.g., “(Revised 6/09)”) and printing of pages in the up-to-date volume. A “—” indicates that the page has not been revised since the 2008 reformat. This table reflects all changes to the code through Ord. 13, 2014, passed December 16, 2014.

Page	Revised Date	Page	Revised Date
Table of Contents	—	Title 6	
Preface	—	1	2/15
		2	2/15
Title 1		3	2/15
1	—	4	2/15
2	8/11	5	—
2.1	8/11	6	—
3	—	7	—
4	—	8	—
		9	—
Title 2		10	2/15
1	—	10.1	2/15
2	4/10	11	—
3	—	12	—
4	—	13	2/15
5	—	14	2/15
6	—		
7	—	Title 7	
8	—	1	—
9	2/15	2	—
		3	—
Title 3		Title 8	
1	—	1	2/15
2	6/09	2	2/15
3	6/09	3	2/15
3.1	6/09	4	2/15
4	—	5	2/15
5	—	6	2/15
		7	2/15
Title 4		8	2/15
1	—	9	2/15
2	—	10	2/15
3	—	10.1	2/15
		10.2	2/15
Title 5		11	—
1	—	12	2/15
2	—	13	9/12
		14	9/12

Page	Revised Date	Page	Revised Date
15	9/12	19	—
16	9/12	20	9/12
17	9/12	21	2/15
18	9/12	22	2/15
19	9/12	23	2/15
20	9/12	24	—
		25	—
		26	—
		27	—
		28	—
		29	6/09
		30	—
		31	—
Title 9		Tables	
1	—	Table of Contents	—
2	—	A-1	—
3	—	A-2	—
4	—	A-3	—
5	—	A-4	—
6	—	B-1	—
7	—	C-1	—
8	—	C-2	—
9	—	C-3	2/15
10	—	C-4	2/15
11	8/11		
Title 10		Index	
1	—	1	8/11
2	—	2	9/12
3	—	2.1	2/15
4	—	3	4/10
5	—	3.1	4/10
6	—	4	—
7	—	5	2/15
8	—	6	2/15
		7	9/12
		8	2/15
		9	2/15
Title 11			
1	—		
2	—		
3	—		
4	8/11		
5	8/11		
6	8/11		
7	9/12		
7.1	4/10		
8	—		
9	—		
10	—		
11	2/15		
12	8/11		
13	8/11		
14	2/15		
15	—		
16	2/15		
17	—		
18	—		

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.05 Use of the Code**
- 1.10 Town Seal**

Chapter 1.01

CODE ADOPTION

Sections:

- 1.01.010 Adoption, amendment and repeal.
- 1.01.020 Repeal of ordinances not included.
- 1.01.030 Effect of code on past actions and obligations.
- 1.01.040 Reference applies to all amendments.
- 1.01.050 Title, chapter and section headings.
- 1.01.060 Constitutionality.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Codified ordinances.

1.01.010 Adoption, amendment and repeal.

(a) There is hereby adopted the Byron Town Code, which consists of the ordinances of the Town that have ongoing effect and which have not expired according to their own terms.

(b) This code may be cited as the Byron Town Code.

(c) New ordinances may be added to the code, and if an ordinance is enacted with a numbering system that is inconsistent with the code numbering system, the Town Clerk is authorized to assign an appropriate code number and to codify the ordinance accordingly.

(d) The repeal of any code section does not revive the original text of the code section, but, rather, repeal of an existing section repeals the underlying ordinance section and all of its amendments.

(e) This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the Town of Byron, Wyoming, codified by Code Publishing Company, Seattle, Washington, pursuant to the provisions of Section 15-1-103(xxxviii) of the Wyoming Statutes. [Ord. 2, 2010 § 1.]

1.01.020 Repeal of ordinances not included.

The provisions of the above-described Byron Town Code shall be in force and effect upon its adoption and posting as required by law, and all ordinances of a general and permanent nature in force on that date and not contained therein are hereby repealed. [Ord. 2, 2010 § 2.]

1.01.030 Effect of code on past actions and obligations.

The repeal provided for in BTC 1.01.020 shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the adoption of the Byron Town Code; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the Town or authorizing the issue of any bonds of the Town, or any evidence of the Town's indebtedness, or any contract or obligation assumed by the Town; nor shall such repeal affect the administrative ordinances or resolutions of the Town Council not in conflict with the Byron Town Code; nor shall it affect the annual tax levy, nor shall it affect any right or franchise conferred by ordinance or resolution on any person or corporation; nor shall it affect any ordinance relating to the salaries of Town officers or employees; nor shall it affect any ordinance naming, opening, accepting or vacating streets or alleys in the Town; nor shall it affect any ordinance or resolution establishing or amending rates or fees charged for Town services, unless included in the Byron Town Code. [Ord. 2, 2010 § 3.]

1.01.040 Reference applies to all amendments.

Whenever a reference is made to this code as the "Byron Town Code" or to any portion thereof, or to any ordinance of the Town of Byron, Wyoming, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. [Ord. 2, 2010 § 4.]

1.01.050 Title, chapter and section headings.

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. [Ord. 2, 2010 § 5.]

1.01.060 Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sen-

tence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. [Ord. 2, 2010 § 6.]

1.01.070 Reference to specific ordinances.

The provisions of this code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number, or otherwise, and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. [Ord. 2, 2010 § 7.]

1.01.080 Codified ordinances.

The last ordinance included in this codification of the Byron Town Code is Ordinance No. 10, 2009, approved on December 8, 2009. Ordinances approved by the governing body subsequent to Ordinance No. 10, 2009, but prior to adoption of this code, are hereby adopted and made a part of this code. [Ord. 2, 2010 § 8.]

Chapter 1.05

USE OF THE CODE

Sections:

- 1.05.010 How code designated and cited.
- 1.05.020 Definitions and rules of construction.
- 1.05.030 Related ordinances.
- 1.05.040 Rules incorporated by reference.
- 1.05.050 When no penalty stated.
- 1.05.060 Amendments.
- 1.05.070 Repealing an ordinance of repeal.
- 1.05.080 Constitutionality.
- 1.05.090 Effective period.
- 1.05.100 Violation.
- 1.05.110 *Repealed.*

1.05.010 How code designated and cited.

The ordinance embraced in this and the following titles, chapters and sections shall constitute and be designated as the “Byron Town Code,” which may be cited as BTC (section number). [Prior code § 1-1-1.]

1.05.020 Definitions and rules of construction.

In the construction of this code and of all ordinances of the Town, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the Town Council or the context clearly requires otherwise:

And, Or. The word “and” may be read “or” and the word “or” may be read “and” when the sense requires it.

Bond. When a bond is required, an undertaking in writing shall be sufficient.

Chief of Police. The term “Chief of Police” shall be construed to mean and include the term “Town Marshal.”

Computation of Time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Sunday, that day shall be excluded.

County. The words “the County” mean the County of Big Horn, in the State of Wyoming.

Gender. Words importing the masculine gender include the feminine and neuter.

In the Town. The words “in the Town” mean and include any territory within the corporate lim-

its of the Town of Byron, Wyoming, and the police jurisdiction thereof, and any other territory over which regulatory power has been conferred on the Town by general or special act, except as otherwise justified.

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

Month. The word “month” means a calendar month.

Number. Words used in a singular include the plural and words used in the plural include the singular.

Oath. The word “oath” includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” are equivalent to the words “affirm” and “affirmed.”

Or, And. The word “or” may be read as “and,” and the word “and” as “or,” where the sense requires it.

Person. The word “person” includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

Personal Property. The words “personal property” include every species of property, except real property.

Preceding, Following. The words “preceding” and “following” mean next before and next after, respectively.

Property. The word “property” includes real, personal and mixed property.

Real Property. The words “real property” include lands, tenements and hereditaments.

Reasonable Time, Reasonable Notice. In case a provision shall require any act to be done in a reasonable time or with reasonable notice, it shall be deemed to mean such time only as may be necessary for the prompt execution of such duty or compliance with such notice.

Shall, May. The word “shall” is mandatory, the word “may” is permissive.

Sidewalk. The word “sidewalk” means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

Signature, Subscription. The words “signature” or “subscription” include a mark when the person

cannot write, when his name is written near such mark and is witnessed by a person who writes his own name as a witness.

State. The words “the State” mean the State of Wyoming.

Street. The word “street” means and includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the Town.

Tenant, Occupant. The words “tenant” and “occupant,” applied to a building or land, mean any person who occupies the whole or a part of such building or land whether alone or with others.

Time. Words used in the past or present tense include the future as well as the past and present.

Town. The words “the Town” mean the Town of Byron, in the County of Big Horn, in the State of Wyoming.

Town Council; Council. The words “Town Council” shall mean the Town Council of the Town of Byron, including the Mayor, who is the presiding officer.

Writing, Written. The words “writing” and “written” include typewriting, printing on paper and any other mode of representing words and letters.

Year. The word “year” means a calendar year, except where otherwise provided. [Prior code § 1-1-2.]

1.05.030 Related ordinances.

All chapters or ordinances in any title shall be considered as related to each other; and all portions thereof shall, so far as practicable, apply to all other chapters of the same title. [Prior code § 1-1-3.]

1.05.040 Rules incorporated by reference.

(a) At every place in this code where reference is made, and compliance required, to any other rules or regulations, the said rules or regulations in current use at such time as they may be required, are hereby declared to be a part of this code by this reference, and also a part of this code as may refer to them, by such reference.

(b) Whenever possible, copies of all such rules or regulations as in current use from time to time shall be kept on file in the office of the Town Clerk, and also in the office of such other Town departments as may be instrumental in requiring compli-

ance with such rules or regulations. [Prior code § 1-1-4.]

1.05.050 When no penalty stated.

Whenever in any ordinance there shall be no fine or penalty named for violation thereof, any person who shall be convicted of any such violation shall be adjudged to pay a fine of not less than \$1.00 nor more than \$750.00. [Prior code § 1-1-5.]

1.05.060 Amendments.

When any ordinance or any portion of an ordinance shall be repealed or amended, such ordinance or repeal or amendment shall plainly state the ordinance numbers or section numbers of the ordinances or sections which are thereby repealed or amended. [Prior code § 1-1-6.]

1.05.070 Repealing an ordinance of repeal.

When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein so expressly provided. [Prior code § 1-1-7.]

1.05.080 Constitutionality.

Should any portion, paragraph or phrase of any ordinance be declared unconstitutional or invalid, such ruling shall not affect the remaining portions, paragraphs or phrases of said ordinance, which shall remain in full force and effect. [Prior code § 1-1-8.]

1.05.090 Effective period.

All ordinances shall remain in full force and effect until repealed; and all the provisions thereof shall remain in full force and effect until repealed or amended. [Prior code § 1-1-9.]

1.05.100 Violation.

Violation of any ordinance is hereby deemed a misdemeanor, and punishable by the fine and/or imprisonment as by each ordinance provided. [Prior code § 1-1-10.]

1.05.110 Police jurisdiction.

Repealed by Ord. 3, 2002. [Prior code § 1-1-11.]

Chapter 1.10

TOWN SEAL

Sections:

1.10.010 Description.

1.10.020 Use.

1.10.010 Description.

The Town seal of the Town of Byron shall be of the following design, namely: A seal the impression of which shall be in a circular form bearing the words "Town of Byron, Wyoming, Incorporated 1910" on the outer edge and "Corporate Seal" in the center. [Prior code § 1-2-1.]

1.10.020 Use.

The seal of the Town of Byron shall be affixed to all warrants, licenses, contracts, deeds, resolutions, ordinances, and all other papers which are signed by the Mayor and attested by the Town Clerk. [Prior code § 1-2-2.]

Title 2

ADMINISTRATION

Chapters:

- 2.05 Town Council**
- 2.10 Appointive Officers**
- 2.15 Expenditures and Publication**
- 2.20 Official Bonds**
- 2.25 Copy and Fax Charges**

Chapter 2.05

TOWN COUNCIL

Sections:

- 2.05.010 Meetings.
- 2.05.020 Special meetings.
- 2.05.030 Adjourned or recessed meetings.
- 2.05.040 Presiding officer.
- 2.05.050 Officers shall attend meetings.
- 2.05.060 Call to order.
- 2.05.070 Quorum.
- 2.05.080 Order of business.
- 2.05.090 Rules of order.
- 2.05.100 Petitions and communications.
- 2.05.110 Ordinances – Introduction, passage, and suspension of rules.
- 2.05.120 Approval and record of ordinances, by-laws and resolutions.
- 2.05.130 Style of ordinances and resolutions.
- 2.05.140 Executive session.
- 2.05.150 Record of names and movers of motions.
- 2.05.160 Journal of proceedings – Duties of the Clerk.
- 2.05.170 Journal shall be open for inspection.
- 2.05.180 Allowance of claims (bills).

2.05.010 Meetings.

Regular meetings of the Town Council shall be held in the Town Hall on the second Tuesday of each month; provided, however, if the day fixed for a meeting is observed as a legal holiday, such meeting shall be held on the next succeeding Tuesday. Meetings shall commence at 7:00 p.m. [Ord. 10, 2009 § 1; Ord. 4, 2008 § 1; Ord. dated 11-11-04, § 1; Ord. dated 6-10-99, § 1; prior code § 2-1-1.]

2.05.020 Special meetings.

Special meetings may be called from time to time by the presiding officer or by a majority of the qualified members of the Town Council by giving notice of the meeting to each member of the Town Council and to each newspaper of general circulation, radio or television station requesting the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at a special meeting. The call and object, as well as the disposition thereof, shall be made a matter of

record upon the journal the same as during a regular meeting. A majority of all the qualified members of the Town Council constitute a quorum for the transaction of business, but any number may adjourn a meeting to compel the attendance of absent members. [Prior code § 2-1-2.]

2.05.030 Adjourned or recessed meetings.

Adjourned or recessed meetings may be held at such time as the Council may determine. [Prior code § 2-1-3.]

2.05.040 Presiding officer.

The Mayor shall preside at all meetings of the Council, and shall be entitled to one vote on all questions and measures coming before the Council except a vote:

- (a) To override a veto;
- (b) To confirm an appointment; and
- (c) Pursuant to a hearing for removal or discharge as provided in W.S. 15-2-102(b)(iv)(B) or 15-3-204(b)(iv)(B).

Any resolution or ordinance passed by the Council must be signed by the Mayor and be recorded before the same shall be in force. In the absence of the Mayor one of the Councilmen shall be elected to preside at such meetings and shall do and perform all duties which the Mayor should or could if present.

The Mayor is entitled to sign or veto any ordinance passed by the governing body and to sign or veto any order, by-law, resolution, award or vote to enter into any contract or the allowance of any claim. A veto may be overridden by a vote of two-thirds of the qualified members of the Council. If the Mayor neglects or refuses to sign any ordinance and fails to return it with his objections in writing at the next regular meeting of the Town Council, it becomes law without his signature. The Mayor may veto any item of any appropriation ordinance and approve the remainder thereof. The items vetoed may be passed over the veto as in other cases. The Mayor does not have a vote in any manner involving the override of a veto. [Prior code § 2-1-4.]

2.05.050 Officers shall attend meetings.

The Town Clerk shall attend all meetings of the Council and make an accurate record of all business transacted at each meeting. The Town Engi-

neer, Chief of Police, Chief of the Fire Department, and all other Town officers shall attend Council meetings when requested to do so by the presiding officer. [Prior code § 2-1-5.]

2.05.060 Call to order.

At the hour appointed for the meeting the Council shall be called to order by the presiding officer.

The Clerk, or some competent person acting for him, shall call the roll. If a quorum be present the Council shall proceed to the business which may come before it. [Prior code § 2-1-6.]

2.05.070 Quorum.

Three members of the Council, including the Mayor or Mayor Pro-Tem, shall constitute a quorum for the transaction of business at any meeting. [Prior code § 2-1-7.]

2.05.080 Order of business.

The order of business at each regular meeting shall not in any case be departed from except by consent of a majority of the members present, voting thereon, and shall be as follows:

- (a) Reading, amending, correcting and approving the minutes of the previous meeting.
- (b) Consideration of claims against the Town.
- (c) Commissioner reports.
- (d) Consideration of building permits/variance permits.
- (e) Unfinished business.
- (f) New business.
- (g) Presentations and communications.
- (h) Adjournment. [Prior code § 2-1-8.]

2.05.090 Rules of order.

The Mayor or presiding officer shall preserve order, prevent unnecessary personal reflections, confine members in debate to the question, and shall decide who shall be first heard when two members arise at the same time. Any member of the Council when called to order by the presiding officer shall at once suspend his remarks. All meetings of the Byron Town Council shall be conducted in a businesslike manner. [Prior code § 2-1-9.]

2.05.100 Petitions and communications.

Petitions, memorials, and all communications and papers addressed to the Council, Mayor or presiding officer, or presented by a Councilman in his

place, may be read by the Clerk at the request of a Councilman or the presiding officer. [Prior code § 2-1-10.]

2.05.110 Ordinances – Introduction, passage, and suspension of rules.

All ordinances hereafter adopted and passed by the Town Council shall be introduced in writing or typewriting and may be referred to the ordinance committee. Every ordinance shall be publicly read on three different days. Public reading may be by title only. At least 10 days shall elapse between the introduction and final passage of every ordinance. For an emergency ordinance, the requirements of this section may be suspended by the affirmative vote of three-fourths of the qualified members of the governing body. No franchise may be granted by emergency ordinance. Passage of an ordinance requires the affirmative vote of the majority of the qualified members of the governing body. Passage of an emergency ordinance requires the affirmative vote of three-fourths of the qualified members of the governing body. [Prior code § 2-1-11.]

2.05.120 Approval and record of ordinances, by-laws and resolutions.

Every ordinance before becoming effective shall be published at least once in a newspaper of general circulation within the Town. If there is no such newspaper, the ordinance shall be posted for at least 10 days in the Town Clerk's office and such other places as the governing body determines. Emergency ordinances are effective upon the proclamation of the Mayor, and as soon thereafter as is practical, they shall be published and posted in the manner required of other ordinances. Non-emergency ordinances are effective upon being signed by the Mayor and attested to by the Clerk and recorded in a book kept for that purpose, which shall be done within a reasonable time after passage. The attestation of the Clerk shall show that the ordinance was duly published and posted. The manner in which each member of the governing body votes on any matter upon which a vote is taken shall be entered in the journal or minutes of the meeting. [Prior code § 2-1-12.]

2.05.130 Style of ordinances and resolutions.

The style of an ordinance shall be "Be It Ordained by the Town Council of the Town of Byron, Wyoming."

The style of a resolution shall be "Be It Resolved by the Town Council of the Town of Byron, Wyoming." [Prior code § 2-1-13.]

2.05.140 Executive session.

If the nature of the business so requires, the governing body, by a vote of two-thirds of the members present, may go to executive session and exclude the public therefrom. [Prior code § 2-1-14.]

2.05.150 Record of names and movers of motions.

In all cases, where a motion is entered upon the journal of the Council, the name of the member moving the same shall also be entered. [Prior code § 2-1-15.]

2.05.160 Journal of proceedings – Duties of the Clerk.

The Clerk shall keep a correct journal of the proceedings of the Council, and shall cause Councilmen and officers of the Town to be informed of such duties as they may be charged with by the Council, from time to time, and he shall perform such other duties as appertain to him as Clerk. He shall not allow the journal, records, accounts, and papers to be taken from his table or out of his custody, except by the regular mode of the Council, or by an officer authorized so to do, and if any paper in his charge shall be missing he shall report the fact to the presiding officer at once, in order that the loss may be inquired into. [Prior code § 2-1-16.]

2.05.170 Journal shall be open for inspection.

The journal of the proceedings shall be open for inspection at all reasonable times. [Prior code § 2-1-17.]

2.05.180 Allowance of claims (bills).

No claims or bills against the Town shall be allowed except as authorized by written requisition (except salaries), until approved by a majority of the Council. [Prior code § 2-1-18.]

Chapter 2.10**APPOINTIVE OFFICERS**

Sections:

- 2.10.010 Officers to be appointed.
- 2.10.020 Oath and bond.
- 2.10.030 Salaries.
- 2.10.040 Town Treasurer.
- 2.10.050 Town Clerk.
- 2.10.060 Town Attorney.
- 2.10.070 Police Judge.

2.10.010 Officers to be appointed.

At the first meeting of the official year following the Town election, there shall be appointed by the Mayor, by and with the consent of the Council, the following officers: Town Clerk, Town Treasurer (or Clerk-Treasurer if one person is to be the officer), Town Attorney, Chief of Police, Chief of the Fire Department, and the Police Judge. [Prior code § 2-2-1.]

2.10.020 Oath and bond.

The Mayor, Councilmen, Town Clerk, Town Treasurer, and Police Judge shall, before entering upon the performance of the duties of such office, subscribe an oath or affirmation to honestly and faithfully perform and discharge the duties of such office to the best of his ability. In addition thereto, certain officers shall be required to furnish bonds in accordance with BTC 2.20.010 through 2.20.060. [Prior code § 2-2-2.]

2.10.030 Salaries.

The salaries of such officers shall be fixed by the Mayor and Council and shall be commensurate with the qualifications of the person appointed and the duties to be performed in each such office. [Prior code § 2-2-3.]

2.10.040 Town Treasurer.

The duties of the Town Treasurer shall be as follows:

(a) Receive all monies derived for the benefit of the Town, from any and every source, in each instance giving his official receipt therefor.

(b) Disburse the same only on proper orders signed by the Mayor, attested by the Town Clerk, and having affixed thereto the corporate seal. Such

orders shall be paid in the order of their issue. All orders and warrants of the Town Treasurer shall have specified therein the services or indebtedness for which the same are drawn.

(c) Keep permanent, accurate and complete accounts and records of all receipts, orders and warrants.

(d) The Treasurer shall endorse upon or attach to every bond or other evidence issued by the Town pursuant to law, a certificate that the same is within the lawful debt limit of the Town and is issued pursuant to law. He shall sign such certificates to his official character.

(e) He shall also perform such other duties as may be required of him by the Mayor or Town Council, or by law.

(f) The Treasurer of said Town shall so keep his accounts as to show when and from what sources all monies paid to him have been derived and to whom and when such monies or any part thereof have been paid out; his books, accounts, and vouchers shall at all times be subject to examination by the Town Council, or any elector of said Town, and it is hereby made the duty of the Town Council to examine the same at regular meetings of such Council, on some day between the first and last Mondays of March of each year, and have settlement with such Treasurer. [Prior code § 2-2-4.]

2.10.050 Town Clerk.

The duties of the Town Clerk shall be as follows:

(a) Safely keep the corporate seal, papers, records and books belonging to the Town.

(b) Attend the meetings of the Town Council, recording the minutes thereof, which minutes, after approval of each meeting, shall be signed by the Mayor, attested by the Town Clerk and have the Town seal affixed.

(c) Preserve consecutive records of all resolutions and ordinances passed by the Council, promptly filing with each Town department copies of any ordinance which may be of concern to such department; he shall also promptly file with the Mayor a complete record of the titles of all ordinances, when the same are passed, and an exact copy of each governing ordinance, or ordinance requiring law enforcement.

(d) Attest the signature of the Mayor and affix the seal of the Town to all minutes of Council pro-

ceedings, all resolutions and such other documents as shall be required.

(e) Attest all orders and warrants upon the Treasurer, keeping an accurate, permanent record thereof.

(f) Issue business licenses in accordance with the Town ordinances.

(g) Perform such other duties as may be required of him by the Mayor and Town Council, or by law. [Prior code § 2-2-5.]

2.10.060 Town Attorney.

The duties of the Town Attorney shall be as follows:

(a) He shall commence, prosecute and defend all suits to which the Town of Byron is a party, in all courts of the Town and State.

(b) Prosecute all suits for the violation of any Town ordinance.

(c) Give his advice to the Mayor and any member of the Town Council on legal questions arising relating to the business of the Town.

(d) Draw all contracts to which the Town is a party.

(e) Revise all ordinances prior to their final passage by the Council.

(f) Draft and prepare all ordinances when so required by the Mayor or any member of the Town Council.

(g) Attend the meetings of the Council when so requested.

(h) Do all legal work relating to the Town's business and perform such other duties as may be required of him by the Mayor or the Town Council, or by law. [Prior code § 2-2-6.]

2.10.070 Police Judge.

(a) Jurisdiction and Power. Such Police Judge shall have jurisdiction to fine, enter judgment, sentence, imprison, hear, try and determine all cases arising under the ordinances of said Town. The practice before such Police Judge in such cases shall conform as nearly as may be to the provisions of the Justice Code concerning complaints, continuances and appeals. The Police Judge shall have the same power to punish for contempt as Justices of the Peace have in like cases.

(b) Fees. Such Police Judge shall keep a docket of all cases coming before him, the disposition of the case, including fines or judgment entered and

costs assessed. All costs and fines shall be remitted to the Town Treasurer on or before the fifth day of the month following the month in which said fines and costs were assessed.

(c) Appointment. Such Police Judge shall be appointed by the Mayor with consent of the Council. The Police Judge shall hold his office continually until his successor as Police Judge shall have been designated and qualified.

(d) Appeals. An appeal from the judgment or sentence of the Police Judge of this Town shall be taken to the District Court in the same manner as is now provided by law for appeals from Justice Courts in criminal cases.

(e) Reports. The Police Judge shall make monthly reports in writing to the Town Council of all cases which may have come before him, the disposition of the same and all fines collected during the preceding month.

(f) Assessment of Costs. In each case tried before the Court in which the Town prevails, the defendant or each defendant, if more than one shall be tried together, shall be charged with costs in the amount of \$10.00 in addition to whatever fine may be levied. In each case in which bond is posted prior to trial, the amount of the bond shall include \$10.00 costs, and if such bond is forfeited, the costs shall be forfeited at the same time. In each case appealed by the defendant from the Municipal Court to the District Court, the defendant shall pay the sum of \$10.00 costs for each appeal within 10 days after entry of judgment in Municipal Court.

(g) Complaint – Form. Complaints alleging violations of the ordinances of the Town may be in the form of a uniform citation/complaint form when:

(1) A violation of a municipal ordinance has been or is being committed by a subject in the presence of the complainant; or

(2) If a Police Officer has probable cause to believe a misdemeanor has been committed and that the person to be issued a citation/complaint has committed the misdemeanor.

(h) Promise to Appear and Failure to Appear. The provisions of W.S. 31-5-1205, 31-5-1206 and 31-5-1207 are hereby incorporated by reference in this code and made a part hereof as if fully set forth and shall apply to traffic offenses and shall apply in the same manner to any other offense brought

before the Court by citation pursuant to subsection (g) of this section.

(i) Contempt of Court. The maximum possible penalty for contempt of court shall be a fine of not more than \$100.00 or imprisonment in a detention facility for not more than two days for each contempt. Any penalty for contempt committed in open court may be imposed summarily by the court. Indirect contempt may be brought before the court by bench warrant in which event the defendant shall be taken in to custody and taken before the Municipal Judge within a reasonable time not exceeding 72 hours. [Ord. 2-2-7 A, 1996; prior code § 2-2-7.]

Chapter 2.15

EXPENDITURES AND PUBLICATION

Sections:

- 2.15.010 Expenditure in absence of appropriation prohibition.
- 2.15.020 Minutes of proceedings, etc., of Town Council, etc., to be published – Rate.
- 2.15.030 Publication of Treasurer’s report.

in the Town, or if there be none, then by posting in three public places an exhibit of the receipts and expenditures, specifying the source of such receipts, and what appropriations were made, for what objects, and the specific amount of each. [Prior code § 2-3-3.]

2.15.010 Expenditure in absence of appropriation prohibition.

No contract shall be made by the Town Council or any committee or member thereof, and no expense shall be incurred by any of the officers of the corporation, whether the object of the expenditure shall have been ordered by the Town Council or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided. [Prior code § 2-3-1.]

2.15.020 Minutes of proceedings, etc., of Town Council, etc., to be published – Rate.

The Town Council shall designate a legal newspaper and publish once therein the minutes of all regular and special meetings of the Town Council and the titles of all ordinances passed. If a newspaper is not published in the Town, the proceedings or ordinances shall be posted for at least 10 days in the Town Clerk’s office and in such other places as the governing body determines. If the proceedings are to be published, the Clerk shall, within 12 days after adjournment of every meeting, furnish the newspaper a copy of the proceedings of the meeting. Except where salaries and wages are to be published, the notice of the proceedings shall include any bill presented to the governing body, stating the amount of the bill and the amount allowed, the purpose of the bill and the claimant. Claims for part-time employees may be summarized by department without listing each part-time employee. [Prior code § 2-3-2.]

2.15.030 Publication of Treasurer’s report.

It shall be the duty of the Town Council immediately after the annual settlement with the Treasurer, to publish in a newspaper, if one is published

Chapter 2.20

OFFICIAL BONDS

Sections:

- 2.20.010 Bonds required.
- 2.20.020 Sureties – Qualifications.
- 2.20.030 Premium paid by Town.
- 2.20.040 Form.
- 2.20.050 Amounts.
- 2.20.060 Filing.
- 2.20.070 Amendments.

2.20.010 Bonds required.

Each Town officer, or Clerk of the Town, having custody of monies belonging to the Town shall, before entering upon the performance of his respective duties, be required to furnish a bond in the amount hereinafter prescribed for such office, which bond shall be conditioned upon:

(a) The faithful performance by such officer or clerk, of all the duties of his office as prescribed by law;

(b) The safe keeping of all monies which may come into his hands by virtue of his office;

(c) The prompt payment thereof to those legally authorized to receive same in the manner provided by law; and

(d) The delivery by him to his successor in office of all monies then held by him as such officer. Each of said officers and his bondsman and sureties, respectively, shall be responsible for the safekeeping and paying over according to law of all funds which shall come into his hands by virtue of his office. [Prior code § 2-4-1.]

2.20.020 Sureties – Qualifications.

The sureties and bondsmen of such official bonds shall be residents of the Town of Byron, State of Wyoming, who shall own property in the County of Big Horn, amounting in the aggregate to double the amount of the bond upon which they become sureties; provided, however, that any surety or guaranty company duly qualified to act as surety or guarantor in the State of Wyoming, upon executing such bonds, shall be accepted in lieu of such sureties. [Prior code § 2-4-2.]

2.20.030 Premium paid by Town.

When the bond of any officer of the Town having the custody of public monies shall be furnished by a guaranty or surety company, the premium due such company for furnishing such bond shall be paid out of the public funds of the Town of Byron. [Prior code § 2-4-3.]

2.20.040 Form.

All bonds required by this chapter shall be in a form to be approved by the Town Council. [Prior code § 2-4-4.]

2.20.050 Amounts.

The bonds of the various Town officers, deputies and clerks, having custody of public monies of the Town of Byron shall be in amounts as follows:

Town Mayor	\$500.00
Councilmen	-0-
Chief of Police	\$500.00
Police Judge	\$500.00
Town Clerk (if one person)	\$500.00
Town Treasurer (if one person)	\$20,000.00
Clerk-Treasurer (combined)	\$20,000.00

[Prior code § 2-4-5.]

2.20.060 Filing.

When approved, the bond of the Town Clerk shall be filed with the Town Treasurer; the bond of the Town Treasurer shall be filed with the Big Horn County Clerk, and the bonds of all other officers and employees shall be filed with the Town Clerk. [Prior code § 2-4-6.]

2.20.070 Amendments.

The Council may, by amendment of this chapter, increase or lower the amount of said bonds, and may by resolution require similar bonds to be furnished by any deputies or clerks having custody of the Town funds. [Prior code § 2-4-7.]

Chapter 2.25**COPY AND FAX CHARGES**

Sections:

2.25.010 Charges established.

2.25.010 Charges established.

Pursuant to W.S. 16-4-204(c), the fees for copies and faxes are to be charged administratively as needed to cover cost to the Town of Byron.

All fees for copies or faxes must be paid in full at the time the service is requested. [Ord. 6, 2014; unnumbered res. dated 10/10/06.]

Title 3

ANIMALS

Chapters:

3.05 Animals

Chapter 3.05

ANIMALS

Sections:

- 3.05.010 Definition of terms.
- 3.05.020 Animals running at large prohibited.
- 3.05.030 Registration and licensing of animals.
- 3.05.040 Leash law.
- 3.05.050 Vicious and noisy dog.
- 3.05.060 Impounding.
- 3.05.070 Pursuit.
- 3.05.080 Dangerous or vicious dogs.
- 3.05.090 Swine.
- 3.05.100 Restriction on venomous snakes, amphibians, reptiles or animals.
- 3.05.110 Nuisances.
- 3.05.120 Penalties.

3.05.010 Definition of terms.

“At large” means off the premises of the owner and not under leash or control of the owner, a member of his immediate family, or other authorized person of suitable age and strength to adequately restrain and control the animal.

“Commercial kennel” means any property within the Town upon which three or more dogs are kept, cared for, maintained, bred and raised for hire, rent or for the purpose of sale.

“Dog” includes both male and female dogs.

“Owner” means any person or persons, firm, corporation or association owning, keeping, or harboring any animal or fowl.

“Vaccinate” means the inoculation of a dog with antirabies vaccine administered by any licensed veterinarian. [Prior code § 3-1-1.]

3.05.020 Animals running at large prohibited.

(a) No animal or fowl shall be permitted to run at large within the Town of Byron. Any such animal or fowl found running at large in the Town is hereby declared to be a nuisance. Any owner being found guilty of such offense shall be punished by a fine of not more than \$750.00.

(b) It shall be the duty of Town Police Officers or Town Maintenance Personnel to confine or impound any animal or fowl running at large in a secure pen, pound or other place provided for that purpose.

(c) No animal so impounded shall be released until the owner has paid all costs and charges incurred by the Town for impounding and maintaining such animals as set forth in BTC 3.05.060(b).

(d) It shall be lawful for any person to take up any animal running at large in the Town and to deliver or cause such animal to be delivered to Town Police Officers or Town Maintenance Personnel who shall confine or impound such animal.

(e) No animal or fowl shall be permitted in the Town Hall located within the Town of Byron except as follows:

(1) Animals taken to the pet clinic held at the Town Hall;

(2) Any animals impounded by the Town of Byron; or

(3) Seeing eye dogs. [Ord. 2, 2002, § 1; Ord. dated 1-7-99, § 1; prior code § 3-1-2.]

3.05.030 Registration and licensing of animals.

(a) It shall be unlawful for any person to keep, harbor or maintain any dog or cat (male or female) in the Town limits unless registered and license is provided for the dog or cat with the Town Clerk, and pay to the Town Clerk the following license fee, due on or before February 1st of each year, for each dog or cat kept or maintained by them within the Town of Byron, to-wit:

Neutered Male Dogs and Spayed Female Dogs (Proof is Necessary)	\$5.00
Male and Female Dogs	\$15.00
Neutered Male Cats and Spayed Female Cats (Proof is Necessary)	\$5.00
Male and Female Cats	\$15.00
Pups and Kittens	Dogs and kittens that are too young to receive rabies vaccination are exempt from registration until they are of age; the maximum age of exemption being four months.
Commercial Kennels	\$250.00 per year

(b) At the time application is made for such license, the owner shall inform the Town Clerk in writing of his name and address, as well as the name, breed, color and sex of each dog or cat owned or kept by him, except in the case of any application for commercial kennel license, wherein the proposed owner shall specifically set forth his name and address, as well as the proposed location of the commercial kennel. A public hearing concerning the issuance of a commercial kennel license shall be held by the Town Council prior to the issuance of any commercial kennel license. The commercial kennel license, once issued, may be renewed thereafter without a public hearing. Each commercial kennel license shall expire and be renewed in the same manner as provided for dog and cat licenses in this section.

(c) Upon payment of the license fee, the Town Clerk shall issue receipt therefor and a tag for the current year, which tag must be worn by the dog or cat at all times. In case a dog or cat tag is lost or destroyed, a duplicate will be issued by the Town Clerk upon presentation of the receipt showing the payment of the license fee for the current year. Dog or cat tags shall not be transferable from one dog or cat to another, and no refunds shall be made on any dog or cat license because of the death of the animal or the owner's leaving before the expiration of the license.

(d) After the license fee has been paid, the Town Clerk shall register the animal in a book kept for that purpose, which book shall describe each animal by tag, number, breed, color and sex, as well as designating the name and address of the animal owner.

(e) Each animal license shall expire on the 31st of January each year, and shall be renewed and a license and tag issued on or before said date each year. A new license may be issued at any time during the year for the same license fees as set forth in subsection (a) of this section. Licenses are due no later than five days from the date the owner or person caring for the animal takes up residence within the Town of Byron.

(f) No dog or cat license shall be issued under the provisions of this chapter unless the applicant therefor shall have obtained and exhibited to the Town Clerk a certificate showing that the animal sought to be licensed has been vaccinated against rabies for the coming year. Owners of kennels must

attach to the certificate of rabies an affidavit stating that the dog(s) or cat(s) identified upon the certificates has been vaccinated against rabies, with the date of vaccination clearly marked upon the certificate. The Animal Control Warden shall have the right to inspect the kennel to obtain an accurate count of the animals being held there, and shall do so at the request of the Mayor and/or Councilmen; providing, that the owner has been notified of the inspection, by certified mail, at least five days prior to the actual inspection.

(g) Any dog or cat found within the Town without a current and valid license or tag as required in this section is hereby declared to be a public nuisance, and it is hereby made the duty of the Animal Control Warden and any other administrative official to pick up and confine or destroy such dog or cat in accordance with BTC 3.05.060.

(h) No person shall harbor, keep or possess a fox, coyote, wolf, raccoon, or skunk within the Town of Byron. [Ord. 1, 2009 § 1; Ord. 1, 1998, § 1; Ord. 7-90, 1991; prior code § 3-1-3.]

3.05.040 Leash law.

The owner of a dog shall confine such dog to his own premises and not permit such dog to run at large within the Town. Any dog taken from the premises of the owner shall be kept under leash or other means of control at all times. Any animal, not completely confined upon the owner's premises during the curfew hours of 10:00 p.m. and 6:00 a.m., shall be declared a nuisance, and the owner upon conviction shall be punished by a fine of not more than \$750.00 for each such offense. [Prior code § 3-1-4.]

3.05.050 Vicious and noisy dog.

(a) Definitions. For the purposes of this chapter, any dog in the Town which shall have bitten any person in the Town without good cause shall be considered to be a vicious dog.

(b) A vicious dog as defined in subsection (a) of this section is hereby declared to be a public nuisance.

(c) It shall be the duty of the Municipal Judge upon the written complaint of any person having actual knowledge of the biting of any person by any dog within the Town, to issue a warrant to the Chief of Police directing such officer to impound

such dog forthwith and to notify the owner of such dog, if known, of such action.

(d) If the Municipal Judge, after a hearing upon a warrant issued under subsection (c) of this section of which hearing the owner of the dog, if

known, shall have due notice, shall determine that the dog in question is a public nuisance, he shall order that such dog be permanently removed from the Town within 48 hours by the owners thereof. If the owner of such dog is not known, or if the owner is known and fails or refuses to so remove such dog, then such dog shall immediately be destroyed by the Town Police.

(e) For the purposes of this subsection, any dog in the Town which shall habitually, constantly or frequently disturb sleep, peace or quiet of any neighborhood or person shall be determined to be a noisy dog.

(f) A noisy dog as defined in subsection (e) of this section is hereby declared to be a public nuisance.

(g) It shall be unlawful to keep any dog which is noisy within the corporate limits of the Town, and the owner or keeper of such animal shall be liable as the author of the nuisance and the person owning or harboring such dog shall be subject to the penalty hereinafter provided.

(h) *Repealed by Ord. dated January 7, 1999.*

(i) Upon conviction, the owner of such dog shall be punished by a fine of not more than \$750.00 for each offense. Each incident for which a complaint is made against the owner of said dog shall constitute a separate and distinct offense and may be punishable by a fine up to \$750.00 for each offense. [Ord. 4, 2002, § 1; Ord. dated 1-7-99, § 1; Ord. 3-1-5, 1995; prior code § 3-1-5.]

3.05.060 Impounding.

(a) It shall be the duty of the Animal Control Warden to apprehend any dog running at large within the Town of Byron, or any dog or cat found without a current and valid license or tag, contrary to the provisions of BTC 3.05.020, 3.05.030, and 3.05.040, and to impound such animal at the dog pound or other suitable place. The officer, upon receiving any animal, shall make a complete registry entering the breed, color, and sex of such animal, and if a dog or cat, whether the dog or cat is licensed. If licensed, he shall enter the name and address of the dog or cat owner and the number of the license tag.

(b) Not later than one day after the impounding of the animal, the owner shall be notified if he can be identified from a current license or tag on the animal and provided the owner can be found.

Notice by mail shall be sufficient, and such notice shall be deemed to have been served when it is deposited in the mail, postage prepaid, and bearing the last known address of the owner. The owner of any impounded animal may reclaim such animal upon payment of the license fee and all costs and charges incurred by the Town in connection with the impounding, care, and maintenance of said animal, within three days from the date first impounded. A fee of \$5.00 shall be paid to the Town Clerk for impounding any animal, and a fee of \$3.00 per day shall be paid to the Clerk for keeping any animal so impounded.

(c) Any impounded animal, not claimed by the owner within three days, may be sold to any person for the costs then due, or if the animal is not claimed or sold within three days, it shall be destroyed. In the event the animal when picked up does not have a current license or tag from which the owner can be identified and found, the animal may be immediately destroyed. Any dog or cat which appears to be suffering from rabies or affected with hydrophobia, mange, or other infectious or dangerous disease shall not be released, but may be destroyed; provided, a dog or cat suspected of rabies shall be held for at least 10 days before destruction. [Prior code § 3-1-6.]

3.05.070 Pursuit.

In the enforcement of any of the provisions of this title, the Animal Warden is authorized to enter the premises of any person and take possession of any licensed or unlicensed dog, when in fresh pursuit of such dog at the time the dog goes upon private property. The Animal Warden is authorized to enter the premises of the owner of any dog to ascertain and secure compliance with the provisions of this title. [Prior code § 3-1-7.]

3.05.080 Dangerous or vicious dogs.

Any vicious dog or female dog in heat found at large which cannot be safely taken up and impounded may be slain by the Animal Warden. [Prior code § 3-1-8.]

3.05.090 Swine.

No owner shall have at any one time more than two swine upon his property within the Town boundaries; provided, however, an owner may have more than two swine if the owner has or pro-

vides at least one-half acre for each swine over two that is on the property. Every person maintaining or harboring swine within the Town boundaries shall keep the area in which the animal is kept in a clean and sanitary condition, free from all accumulation of refuse and waste. [Prior code § 3-1-9.]

3.05.100 Restriction on venomous snakes, amphibians, reptiles or animals.

It shall be unlawful for any person to own, harbor, keep or possess any venomous snake, venomous amphibian, venomous reptile or venomous animal within the Town. [Ord. dated 11-11-99, § 1; prior code § 3-1-10.]

3.05.110 Nuisances.

No owner owning, keeping or harboring any animal or fowl within the Town boundaries shall cause, or be in any manner whatsoever instrumental in allowing or permitting such animals or fowl to create, a nuisance because of odor, noise, overcrowding or accumulation of excrement. [Ord. dated 11-11-99, § 2; prior code § 3-1-11.]

3.05.120 Penalties.

Any person found guilty of any offense under this title for which no other penalty is provided shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$750.00 for each such offense. [Ord. dated 11-11-99, § 3; prior code § 3-1-12.]

Title 4

BOUNDARIES OF THE TOWN

Chapters:

4.05 Existing Presumptive Boundary

Chapter 4.05

EXISTING PRESUMPTIVE BOUNDARY

Sections:

- 4.05.010 Boundaries marked and maps filed with the Town Clerk and Big Horn County Clerk.
- 4.05.020 Survey of boundaries to be presumptive.
- 4.05.030 Metes and bounds description.

4.05.010 Boundaries marked and maps filed with the Town Clerk and Big Horn County Clerk.

The Town Council did previously find that the exact location of the boundaries of the Town of Byron was uncertain and by reason thereof, did cause a survey or perambulation of the boundaries of the Town to be had and made. When the survey or perambulation was made, the boundaries were marked by substantial monuments and the person making the survey reported to the Town Council, describing by metes and bounds the boundaries. The description did, as near as possible, refer to corners or lines of United States surveys. The person making the survey filed with the Town Clerk field notes of his survey. Thereafter, the Town Council, acting through its Mayor and Town Clerk, did file a copy of the report, together with a copy of field notes duly certified by the Mayor and Town Clerk with the County Clerk of Big Horn County, Wyoming. Before the survey was made the person making the survey or perambulation did take and subscribe an oath to faithfully, diligently and to the best of his ability make such survey or perambulation and to make field notes and report accurately the results of the survey and the description of the boundaries. The oath was filed with the Clerk and a copy thereof attached to the certificate filed with the County Clerk. Maps showing such boundaries have been filed with the Town Clerk and Big Horn County Clerk, together with the metes and bounds description of the boundaries of the Town. [Prior code § 4-1-1.]

4.05.020 Survey of boundaries to be presumptive.

The survey or perambulation of the boundaries of the Town as has heretofore been made and

recorded and filed with the Town Clerk and the County Clerk of Big Horn County, Wyoming, is presumptive of the boundaries of the Town of Byron and is adopted by the Town Council as such boundary. [Prior code § 4-1-2.]

4.05.030 Metes and bounds description.

The following is hereby adopted, ratified and confirmed as a metes and bounds description of the Town of Byron:

All that portion of Lots 47, 48, 49, and 50 Resurvey, Township 56 North, Range 97 West of the 6th P.M., Big Horn County, Wyoming, described as follows:

Beginning at the northeast corner of said Lot 48; thence North 0°37'26" West 1,320.08 feet along the east boundary of said Lot 47 to the northeast corner of the South 1/2 of the South 1/2 of said Lot 47; thence South 89°44'09" West 5,265.69 feet along the north boundary of the South 1/2 of the South 1/2 of said Lot 47 to a point which also bears North 89°44'09" East 142.08 feet from the northwest corner of the South 1/2 of the South 1/2 of said Lot 47; thence South 1,342.69 feet to the north boundary of said Lot 48, to a point which bears North 89°28'33" East 112.11 feet from the corner numbered 6 of said Lot 48; thence South 2,669.44 feet to the north boundary of said Lot 50, to a point which bears South 77°04'19" East 24.57 feet from the northwest corner of said Lot 50; thence South 337.19 feet to the west boundary of said Lot 50, to a point which bears south 3°59'51" East 343.53 feet from the northwest corner of said Lot 50; thence South 3°59'51" East 1,626.20 feet along said west boundary of said Lot 50 to the southwest corner of said Lot 50; thence South 83°12'43" East 1,370.42 feet along the south boundary of said Lot 50, to the southeast corner of said Lot 50; thence South 83°12'52" East 245.09 feet along the south boundary of said Lot 49; thence North 58°00'00" East 1,275.43 feet to the intersection of a line from the midpoint of the south boundary of Lot 56 of said Township and Range to corner numbered 7 of said Lot 49; thence North 2°31'46" West 841.32 feet to the corner numbered 7 of

said Lot 49; thence South 77°03'52" East 1,037.23 feet along a line, said line when prolonged would intersect the corner numbered 3 of said Lot 49; thence North 58°00'00" East 1,995.72 feet to the east boundary of said Lot 49, to a point which also bears North 4°10'25" West 1,467.84 feet from the corner numbered 2 of said Lot 49; thence North 4°10'25" West 2,532.97 feet along the east boundaries of said Lots 49 and 48 to the point of beginning.

[Prior code § 4-1-3.]

Title 5

ELECTED OFFICIALS

Chapters:

5.05 Mayor and Councilmembers

Chapter 5.05

MAYOR AND COUNCILMEMBERS

Sections:

- 5.05.010 Term of office.
- 5.05.020 State law governs Town elections.
- 5.05.030 Officers – Election, appointment and removal.
- 5.05.040 Regular meetings.
- 5.05.050 Special meetings.
- 5.05.060 Quorum.
- 5.05.070 Attendance at meetings is required.
- 5.05.080 Removal of Councilmen for nonattendance.

5.05.010 Term of office.

The Mayor will be elected every two years. Their term of office will extend to the first Monday in January or until such time their successors are elected and assume office in accordance with the Wyoming Election Code of 1973, as amended. [Prior code § 5-1.]

5.05.020 State law governs Town elections.

Pursuant to W.S. 22-23-201, all Town elections shall be held in conformity with the most recently compiled election laws of the State of Wyoming. [Prior code § 5-1-1.]

5.05.030 Officers – Election, appointment and removal.

The officers of the Town are a Mayor and four Councilmen, all of whom shall be elected. The Clerk, Treasurer, Chief of Police, Attorney, Municipal Judge and department heads as specified by ordinance shall be appointed by the Mayor with the consent of the governing body and may be removed by the Mayor. All other appointments, except the appointment of members of a board or commission, and removal, shall be made by the Mayor with consent of the governing body, unless consent is required by separate statute. [Ord. 5, 2002, § 1; prior code § 5-1-2.]

5.05.040 Regular meetings.

The regular meetings of the Council shall be held on the second and fourth Thursday of each month at 7:00 p.m. [Ord. 6, 2002, § 1; prior code § 5-1-3.]

5.05.050 Special meetings.

Special meetings may be called from time to time by the Mayor, or by a majority of the members of the Council, by giving notice of the meeting to each member of the governing body. The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at a special meeting. Whenever there is to be a special meeting of the governing body, it shall be the duty of the Clerk to write a sufficient number of notices for one to be served on the Mayor, each member of the Council, and a copy posted at Town Hall for the public, which notices shall be served within a reasonable time before such meeting; provided, that notice of any such special meeting may be waived in writing by the Mayor and any member of the Council either at, or prior to, such special meeting. [Ord. 8, 2002, § 1; prior code § 5-1-4.]

5.05.060 Quorum.

Three members elected to the Council shall constitute a quorum for the transaction of any business. [Prior code § 5-1-5.]

5.05.070 Attendance at meetings is required.

The attendance at all meetings is expected unless the Mayor is contacted prior to scheduled meeting and grants an excused absence. [Prior code § 5-1-6.]

5.05.080 Removal of Councilmen for nonattendance.

Three unexcused absences within any given year will be considered gross and persistent delinquency and will be grounds for removal of any such member from his office. [Prior code § 5-1-7.]

Title 6

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 6.05 Offenses – Miscellaneous**
- 6.10 Dangerous Buildings**
- 6.15 Weed Control Zone**

Chapter 6.05

OFFENSES – MISCELLANEOUS

Sections:

- 6.05.010 Definitions.
- 6.05.020 Abandoned vehicles unlawful.
- 6.05.030 Notices.
- 6.05.040 Redemption period.
- 6.05.050 Adoption of State statutes.
- 6.05.060 Rubbish.
- 6.05.070 Injury to Town property.
- 6.05.080 Interference with Town employees.
- 6.05.090 Burning of garbage.
- 6.05.100 *Repealed.*
- 6.05.110 Cruelty to animals.
- 6.05.120 Public drunkenness.
- 6.05.130 Missiles.
- 6.05.140 Breach of peace.
- 6.05.150 Inciting to riot.
- 6.05.160 Interference with traffic.
- 6.05.170 Disturbing religious assembly.
- 6.05.180 Disturbing general assembly.
- 6.05.160 Resisting arrest.
- 6.05.200 Assistance of Marshal.
- 6.05.210 Unsanitary cellar, basement, etc.
- 6.05.220 Minors prohibited from being under the influence or possessing alcoholic beverages.
- 6.05.230 Discharge of firearms.
- 6.05.240 Disorderly conduct.
- 6.05.250 Petty theft.
- 6.05.260 Shoplifting unlawful.
- 6.05.270 Invasion of privacy.
- 6.05.280 Sale of tobacco to minors.
- 6.05.290 Property destruction and defacement.
- 6.05.300 Simple assault – Battery.
- 6.05.310 Fireworks.
- 6.05.320 Litter.
- 6.05.330 Criminal trespass.
- 6.05.340 Curfew hours for minors under 17 years of age.
- 6.05.350 Improper water use.
- 6.05.360 Recreational vehicles.

6.05.010 Definitions.

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

“Antique motor vehicle” means any motor vehicle which is at least 35 years old and owned only as a collector’s item.

“Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

“Motor vehicle” means every vehicle which is self-propelled except vehicles moved solely by human power.

“Police Officer” means every officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulation.

“Rubbish” includes any iron, glass, paper, rags, cordage, wood, machinery parts, cloth, manufactured item which by reason of partial or complete disassembly or dilapidation is unable to perform the function or purpose for which it was originally constructed, or any other waste or discarded material of nature or substance. “Rubbish” shall not include fire wood maintained for the use of the occupant of the property, but said fire wood shall be stacked and shall not be strewn upon the person’s real property located in the Town.

“Trailer” means a vehicle without propelling power designed to be drawn by a motor vehicle, but excludes converter gear, dollies, and connecting mechanisms. The term includes the following vehicles as hereafter defined:

(1) “House trailer” means every trailer which is:

(A) Designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily;

(B) Equipped for use as a conveyance on streets and highways; and

(C) Eight and one-half feet or less in width or more than eight and one-half feet in width when used primarily as a mobile laboratory or mobile office.

“Transportable home” means:

(1) A modular home;

(2) A prebuilt home; or

(3) A unit more than eight and one-half feet in width which is designed, constructed and equipped as a dwelling place, living abode or place of business to which wheels may be attached for movement upon streets and highways except a unit used primarily as a mobile laboratory or mobile

office. [Ord. 4, 2014; Ord. 5, 2000, § 1; Ord. dated 9-7-1995; prior code § 6-1-A.]

6.05.020 Abandoned vehicles unlawful.

(a) It shall be unlawful for any person to possess two or more abandoned vehicles on his property or on property which is in his lawful possession or control, if any two or more of the vehicles are visible from a highway for more than 15 consecutive days.

(b) It shall be unlawful for any person to possess one or more abandoned trailers or abandoned transportable homes on his property or on property in his lawful possession or control, if any such trailer or transportable home is visible from the highway for more than 15 consecutive days.

(c) For purposes of this section, a vehicle shall be presumed to be abandoned if it is in an inoperable condition and is not currently registered.

(d) For purposes of this section, a trailer or transportable home shall be presumed to be abandoned if it is not in a livable condition and is not currently registered.

(e) This section shall not apply to:

(1) Antique motor vehicles according to W.S. 31-1-101, which have been restored;

(2) Vehicles kept in an enclosed garage or storage building;

(3) Persons licensed in accordance with W.S. 31-13-114;

(4) Vehicles used for educational or instructional purposes.

(f) Notice shall be sent to any person who possesses two or more abandoned vehicles or one or more abandoned trailers or transportable mobile homes to remove them from their property within 30 days after the date of the notice.

(g) Upon failure to comply with the notice as herein aforementioned, the Police Officer may remove, or cause to be removed, any vehicle, trailer or transportable home, to a place of impoundment designated by the County Commissioners of the County in which the vehicle is impounded.

(h) It is unlawful for any person to fail to remove, after notification to do so by the Town, any abandoned vehicle, trailer or transportable home in compliance with this section. Any person convicted of a violation of the provisions of this section shall be fined not less than \$50.00 nor more

than \$750.00 for each such offense. Payment of the fine or other penalties herein required shall not relieve the person from paying any expenses or costs incurred by the Town of Byron for the removal of such abandoned motor vehicles, mobile homes or transportable homes from that person's property. [Ord. 2, 2014; Ord. 6, 2000, § 1; Ord. dated 9-7-1995; prior code § 6-1-B.]

6.05.030 Notices.

All notices required by BTC 6.05.010, 6.05.020 and this section shall be provided by the Town of Byron by personal delivery thereof to the person to be notified or by deposit in the United States mail of the notice in an envelope with the postage pre-paid, addressed to the person at his address as shown by the records of the Town of Byron. Notice by mail is complete upon expiration of four days following deposit of the notice. Proof of the providing notice shall be made by the certificate of any officer or employee of the Town of Byron or affidavit of any person 18 years of age, in naming of the person to whom notice was provided and specifying the time, place and manner thereof. [Ord. dated 9-7-1995; prior code § 6-1-C.]

6.05.040 Redemption period.

Any person, upon satisfactory proof of ownership or right to possession, may redeem an impounded vehicle, mobile home, house trailer, or transportable home by paying the charges of towing, storage, notice, and all other costs of impoundments and any penalties imposed by this chapter. [Ord. 7, 2000, § 1; Ord. dated 9-7-1995; prior code § 6-1-D.]

6.05.050 Adoption of State statutes.

The Town of Byron hereby adopts by reference, and incorporates within its Town Code, the following sections of the 1999 Wyoming Statutes, and any subsequent statutory amendments thereto:

W.S.:

31-13-108

31-13-109

31-13-110

31-13-111

31-13-112

[Ord. 8, 2000, § 1; Ord. dated 9-7-1995; prior code § 6-1-E.]

6.05.060 Rubbish.

It shall be the duty of the owner, occupant or agent having control of any lot or premises to remove any unsightly rubbish and debris upon such lot or premises as well as upon the parking space between such property and the street and also upon that portion of the alley adjoining said premises.

(a) It shall be the duty of the Mayor or such other officer as may be directed by the Mayor to require compliance with this section. The owner, agent or occupant of any premises shall be held liable for such compliance and if such person shall refuse or fail to remove or destroy any such rubbish or debris upon any premises under his care or control, he shall be served with verbal or written notice requiring removal of such rubbish and debris within seven days of the date of such notice.

(b) The purpose of this section is primarily to safeguard the health of this community and violation hereof is also deemed to constitute a fire hazard and nuisance.

(c) It shall be unlawful for any person to fail to comply with the provisions of this section. Any person convicted of a violation of the provisions of this section shall be fined not more than \$750.00 for each offense. Each time refuse, debris or rubbish on such premises requires removal and destruction shall constitute a separate offense. [Ord. 3, 2014; prior code § 6-1-1.]

6.05.070 Injury to Town property.

No person, unless he shall have a permit therefor from the Mayor or Town Council, shall in any way injure or deface any building, fence, bridge or other structure or any street, alley, curb, gutter, water or sewer line or sewer intake, or any tools, equipment, or anything whatsoever, that has been planted, built, constructed, installed, or is maintained by or is the property of the Town of Byron. [Prior code § 6-1-2.]

6.05.080 Interference with Town employees.

No person shall interfere in any way with any Town employee in the performance of his work, nor displace any stakes or landmarks deposited or installed by any employee nor in any way molest any tools, instruments or equipment used or to be used by such employee in duties assigned to him. [Prior code § 6-1-3.]

6.05.090 Burning of garbage.

It shall be unlawful for any person to burn or cause to be burned any garbage, waste, packing material, trash, discarded boxes, or other materials, excluding weeds, grass, leaves or other vegetative debris within the Town limits of the Town of Byron without having first obtained written permission from the Town. The Mayor shall designate the Town Clerk or other officer or employee of the Town or may designate a representative of the Byron Solid Waste Disposal District as designated representative of the Town to grant permission for such burning. Permission may be given if, in the opinion of such designated officer, the burning of such material can be accomplished without danger to adjoining property or undue contamination to air and the vicinity. The Town shall not be held to assume any liability by reason of having granted permission to burn any material if such burning shall cause damage to persons or property. The permission to burn shall be valid for 48 hours from the time of issuance. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$750.00 and costs. [Prior code § 6-1-4.]

6.05.100 Public nudity.

Repealed by Ord. 9, 2000. [Prior code § 6-1-5.]

6.05.110 Cruelty to animals.

Any person who shall inhumanely, unnecessarily or cruelly beat, injure or otherwise abuse any animal within the limits of the Town of Byron shall be deemed guilty of a misdemeanor, and on conviction be fined not less than \$5.00 nor more than

\$750.00 for each such offense. [Prior code § 6-1-6.]

6.05.120 Public drunkenness.

Any person who shall be drunk or in a state of intoxication on any public highway, street, thoroughfare, alley or other public place within the Town of Byron shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than \$5.00 nor more than \$750.00 and the Chief of Police is hereby authorized and empowered and it is hereby made his duty to arrest or cause to be arrested with or without process any person or persons found violating the provisions of this section and to commit such person to some safe place in the Town until the Chief of Police believes that person is sober, at which time, or as soon thereafter as is possible, such person shall be taken before the Justice to be dealt with according to the laws of the Town of Byron. [Prior code § 6-1-7.]

6.05.130 Missiles.

Any person within the limits of the Town of Byron who shall throw, hurl, thrust or in any manner propel any stone, stick or any missile, article or thing of any kind, character or description at, upon or towards, against any person or any domestic animal or any vehicle, wagon or means of conveyance or who shall mar, injure, deface or destroy any gates, fence, shade, ornamental, fruit or any other tree within the limits of the Town of Byron shall be deemed guilty of a misdemeanor of malicious mischief and upon conviction thereof shall be fined in any sum not less than \$5.00 nor more than \$750.00. [Prior code § 6-1-8.]

6.05.140 Breach of peace.

Any person commits breach of peace if he disturbs the peace of the Town or its inhabitants by unreasonably loud noise or music, or by using threatening, abusive, or obscene language, or violent actions, with knowledge or probable cause to believe he will disturb the peace. Breach of the peace is punishable by a fine of up to \$750.00 for each offense. [Ord. 10, 2000, § 1; Ord. dated 8-12-99, § 1; prior code § 6-1-9.]

6.05.150 Inciting to riot.

Any two or more persons who shall assemble together with intent to do any unlawful act with force and violence or against the peace of another, or shall make any movement or preparation therefor, shall be guilty of a misdemeanor and upon conviction be fined not less than \$5.00 nor more than \$750.00 for each such offense. [Prior code § 6-1-10.]

6.05.160 Interference with traffic.

All persons who shall collect in crowds within the Town of Byron for any unlawful purpose, or for any purpose to cause the disturbance of citizens or travelers shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5.00 nor more than \$750.00. [Prior code § 6-1-11.]

6.05.170 Disturbing religious assembly.

Any person or persons annoying or disturbing any congregation or assembly in the Town of Byron gathered together for religious worship, by making a noise or by rude or indecent behavior or profane discourse within the place where such congregation or assembly is gathered together or so near the same as to be heard by or tending to disturb the persons so congregated or assembled, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$5.00 nor more than \$750.00 for each such offense. [Prior code § 6-1-12.]

6.05.180 Disturbing general assembly.

Any person or persons disturbing any lawful assemblage of people in the Town of Byron by rude, boisterous or indecent behavior or otherwise, shall be guilty of a misdemeanor and, upon conviction, be fined not less than \$5.00 nor more than \$750.00 for each such offense. [Prior code § 6-1-13.]

6.05.190 Resisting arrest.

Whoever shall resist the Chief of Police or any of his deputies in the discharge of his duties or shall in any way interfere with or hinder or prevent him from discharging his duty as such officer or deputy or shall offer or endeavor to do so and whoever shall in any manner assist any person in custody of the Chief of Police or his deputy to escape from such custody or shall rescue or attempt to rescue

any person so in custody shall be guilty of a misdemeanor and upon conviction fined in an amount not to exceed \$750.00 for each offense. [Prior code § 6-1-14.]

6.05.200 Assistance of Marshal.

It shall be the duty of all persons within the Town of Byron when called upon by the Marshal to promptly aid and assist him in the execution of his duties. Whoever shall neglect or refuse to give such aid and assistance shall be guilty of a misdemeanor and upon conviction be fined in an amount not to exceed \$750.00. [Prior code § 6-1-15.]

6.05.210 Unsanitary cellar, basement, etc.

Any person permitting any cellar, vault, pool, privy or any premises belonging to or occupied by him to become foul, nauseous, offensive or injurious to the public health shall be given notice to remove the filth, cleanse and purify at once, and if not done immediately, shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$750.00 for each such offense. [Prior code § 6-1-16.]

6.05.220 Minors prohibited from being under the influence or possessing alcoholic beverages.

It is unlawful for any person under the age of 21 years to have any alcoholic or malt beverage in his possession or to be drunk or under the influence of alcoholic liquor, malt beverages or a controlled substance on any street or highway, or in any public place. The restriction does not apply to possession of alcoholic or malt beverages by a person under the age of 21 years:

- (a) When making a delivery of alcoholic or malt beverages pursuant to his employment;
- (b) Who is in the physical presence of his parent or legal guardian;
- (c) Who is a licensee under this title; or
- (d) When serving alcoholic or malt beverages pursuant to his employment in a restaurant which holds a license to serve alcoholic or malt beverages if the person is at least 18 years of age.

Violation of this section, which is hereby deemed a misdemeanor, is punishable by a fine of not more than \$750.00. [Ord. 2, 2003, § 1; Ord. 11, 2000, §§ 1, 2, 3; prior code § 6-1-17.]

6.05.230 Discharge of firearms.

(a) Except as herein provided, it shall be unlawful for any person to fire or discharge any cannon, gun, pistol, other firearm of any description or to fire, explode, detonate or set off any explosive substance or device within the Town of Byron.

(b) The Town Council shall have the power to grant permits for using and exploding any article, device or substance for use as danger signals or other necessary uses and to adopt reasonable rules and regulations for the granting of such permits.

(c) This section shall not be construed to prohibit:

(1) The use of fireworks or blank cartridges as permitted in the Town Code;

(2) The use of explosives by any person holding a permit issued as herein provided;

(3) The use of firearms by law enforcement officers in the performance of their duties;

(4) The use of a gun or pistol to slaughter or destroy an animal, provided:

(A) The slaughter or destruction of the animal is authorized by the owner of such animal;

(B) The use of the firearm is confined solely to premises owned by or under the control of the person who discharges the firearm;

(C) The projectile or missile from the firearm is confined to property owned by or under the control of the person who discharges the firearm and the discharge or use of the firearm does not endanger the life or property of any other persons.

(d) Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 nor more than \$750.00 for each such offense. [Ord. 3, 2003, § 1; Ord. 12, 2000, § 1; prior code § 6-1-18.]

6.05.240 Disorderly conduct.

A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or carelessly creating a risk thereof, he or she:

(a) Engages in fighting or other violent or tumultuous conduct or in conduct creating the threat of imminent fighting or other violence; or

(b) Makes or uses to or of another and in his or her presence any gesture, display, opprobrious words, profane, obscene, or abusive language which would reasonably intend to incite or abet a

person to engage in fighting or other violent or tumultuous conduct; or

(c) Creates loud and offensive noise or utters profane or obscene language in any public street or other public place, or place to which the public is invited; or

(d) Places himself or herself or with another or others congregates in or on any public way so as to reasonably tend to halt or interfere with the free and regular flow of vehicular or pedestrian traffic, and refuses to clear such public way when ordered by the police or other lawful authority. [Ord. 13, 2000, § 1; Ord. 6-1-19, 1994; prior code § 6-1-19.]

6.05.250 Petty theft.

(a) Any person who steals, takes or carries, leads or drives away the property of another with intent to convert is guilty of petty theft.

(b) Any bailee or other person entrusted with control, care or custody of money or other property who, with intent to steal or deprive the other thereof, converts the property to his own or another's use is guilty of petty theft.

(c) Any person who alters, defers, changes or removes a price tag or marker on or about the property offered for sale by any business establishment with intent to obtain the property at less than the marked or listed price is guilty of a misdemeanor.

(d) Any person who obtains services or prepared products or self-service products or any combination of the same and leaves the premises or property where such services or prepared products or self-service products or a combination thereof are obtained or provided without paying the price thereof is guilty of petty theft. [Ord. 6-1-20, 1994; prior code § 6-1-20.]

6.05.260 Shoplifting unlawful.

(a) Any person who willfully conceals or willfully takes possession of any goods offered for sale by a mercantile establishment with intent to convert the goods to his own use without paying the purchase price therefor is guilty of shoplifting.

(b) Detention and Interrogation of Suspects. Any Peace Officer, merchant or merchant's employee who has reasonable cause for believing that a person has committed the crime of shoplifting may detain and interrogate such person in regard thereto in a reasonable manner and for a rea-

sonable time. [Ord. 6-1-21, 1994; prior code § 6-1-21.]

6.05.270 Invasion of privacy.

It is unlawful for any person to invade, or attempt to invade, the privacy of another person by resorting to "peeping," which is hereby defined as the stealthy, clandestine or surreptitious visual invasion, or attempted visual invasion, of a person's privacy. [Ord. 6-1-22, 1994; prior code § 6-1-22.]

6.05.280 Sale of tobacco to minors.

W.S. 14-3-301 through 14-3-305, inclusive, of the 1999 Edition, and all amendments thereto, are adopted by reference and incorporated in this section as a part of the Byron Town Code as fully as if completely set out herein, said statutes being the statutory prohibition of the sale of tobacco to minors. [Ord. 14, 2000, § 1; Ord. 6-1-23, 1994; prior code § 6-1-23.]

6.05.290 Property destruction and defacement.

A person is guilty of property destruction and defacement if he knowingly defaces, injures or destroys the property of another without the owner's consent. [Ord. 2, 1998, § 1; prior code § 6-1-24.]

6.05.300 Simple assault – Battery.

(a) A person is guilty of simple assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another.

(b) A person is guilty of battery if he unlawfully touches another in a rude, insolent or angry manner or intentionally, knowingly or recklessly causes bodily injury to another. [Ord. 3, 1998, § 1; prior code § 6-1-25*.]

* Code reviser's note: Ordinances 3, 1998 and 18, 2000, as amended by 2, 2001, added sections numbered 6-1-25 to the previous code. During the 2005 reformat these sections were assigned separate numbers to avoid duplication.

6.05.310 Fireworks.

It is unlawful for a person to use, discharge, shoot, fire, light or detonate any fire crackers or other fireworks or pyrotechnics of any kind whatsoever within the Town of Byron; provided, how-

ever, that this restriction on use shall not apply to use of fireworks and pyrotechnics that are permitted by Wyoming Statutes to be used within the State of Wyoming, provided said use occurs:

(a) Between the hours of 7:00 a.m. and 9:00 p.m. on July 3rd of each year, and between the hours of 7:30 a.m. and 11:30 p.m. on July 4th of each year, and between the hours of 7:00 a.m. and 9:00 p.m. on July 5th of each year; or

(b) Pursuant to a public fireworks display permit from the governing body. Upon deciding applications for permits, the governing body may consider any threat to the health, welfare or safety of the public, including, but not limited to, such factors as provision for adequate supervision and control of the display itself, movement of traffic, location of proposed display, previous experience with the applicant and the degree of danger to persons and property. The issuance of such a permit shall not be construed as an assumption of liability to any degree whatsoever by the Town for damage to persons or property resulting directly or indirectly from such display, and each applicant shall be deemed, upon receiving a permit, to have indemnified the Town from any liability arising directly or indirectly from such display. Not more than one such permit shall be issued during any 24-hour period measured from 1:00 p.m. until 1:00 p.m. [Ord. dated 12-21-1999, § 1; Ord. 6-1-26, 1997, § 1; prior code § 6-1-26*.]

* Code reviser's note: Ordinances 6-1-26, 1997, as amended by 6-1-26, 1997, and 1, 2001, as amended by 3, 2001, added sections numbered 6-1-26 to the previous code. During the 2005 reformat these sections were assigned separate numbers to avoid duplication.

6.05.320 Litter.

It is unlawful for any solid waste or other litter to be thrown or otherwise deposited or permitted to be accumulated upon any street, gutter, sewer intake, vacant lot, or other public or private place within the Town. [Ord. 2, 2001, § 1; Ord. 18, 2000, § 1; prior code § 6-1-25*.]

* Code reviser's note: Ordinances 3, 1998 and 18, 2000, as amended by 2, 2001, added sections numbered 6-1-25 to the previous code. During the 2005 reformat these sections were assigned separate numbers to avoid duplication.

6.05.330 Criminal trespass.

A person is guilty of criminal trespass if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so, or after being notified to depart or to not trespass. For purposes of this section, notice is given by:

(a) Personal communication to the person by the owner or occupant, or his agent, or by a Peace Officer; or

(b) Posting of signs reasonably likely to come to the attention of intruders. [Ord. 3, 2001, § 1; Ord. 1, 2001, § 1; prior code § 6-1-26*.]

* Code reviser's note: Ordinances 6-1-26, 1997, as amended by 6-1-26, 1997, and 1, 2001, as amended by 3, 2001, added sections numbered 6-1-26 to the previous code. During the 2005 reformat these sections were assigned separate numbers to avoid duplication.

6.05.340 Curfew hours for minors under 17 years of age.

(a) Definitions. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein:

“Curfew hours” means 10:30 p.m. until 5:30 a.m., the following day.

“Emergency” means as unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation regarding immediate action to prevent serious bodily injury or loss of life.

“Establishment” means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

“Guardian” means a person who, under court order, is the guardian of the person or minor; or a public or private agency with whom a minor has been placed by a court.

“Operator” means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

“Parent” means a person who is a natural parent, adoptive parent, or step-parent of another person, or at least 18 years of age and authorized by a par-

ent or guardian to have the care and custody of a minor.

“Public place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

“Remain” means to linger or stay, or fail to leave the premises when requested to do so by a Police Officer or the owner, operator or other person in control of the premises.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Years of age” continues from one birthday, such as the fifteenth, to (but not including the date of) the next, such as the sixteenth birthday, making it clear that 15 or less years of age is herein treated as equivalent to the phrase “under 16 years of age.” The latter phrase and practice, unfortunately, having confused a number of persons into the mistaken thought that 16 years old might be involved. Similarly, for example, 11 or less years of age means “under 12 years of age.”

(b) Offenses.

(1) Any person 16 or less years of age (under 17), commits an offense if he remains in any public place or on the premises of any establishment within the Town during curfew hours.

(2) A parent or guardian of a minor 16 or less years of age (under 17) commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the Town during curfew hours.

(3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows any person 16 or less years of age, (under 17 years of age) to remain upon the premises of the establishment during curfew hours.

(c) Defenses. It is a defense to prosecution under subsection (b) of this section that the person 16 or less years of age (under 17) was:

(1) A person 16 or less years of age (under 17) accompanied by their parent or guardian;

(2) On an errand at the direction of the parent or guardian of any persons 16 or less years of age (under 17), without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) A person 16 or less years of age (under 17) on the sidewalk abutting their residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the presence of the person 16 or less years of age (under 17);

(7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the Town of Byron, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the Town of Byron, a civic organization, or another similar entity that takes responsibility for the person 16 or less years of age (under 17);

(8) Exercising First Amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech, and the right of assembly, by first delivering to the person designated by the Town’s Chief of Police to receive such information, a written communication, signed by the person 16 or less years of age (under 17) and countersigned, if practical, by a parent of the juvenile with their home address and telephone number, specifying when, where and in what manner the minor will be in a public place during the hours when this section is applicable to said person 16 or less years of age (under 17) in the exercise of the First Amendment rights specified in such communication;

(9) Married or had been married or had disabilities of minority removed in accordance with law;

(10) It is a defense to prosecution under subsection (b)(3) of this section, that the owner, operator or employee of an establishment promptly notified the Police Department that a person 16 or less years of age (under 17) was present on the pre-

mises of the establishment during curfew hours and refused to leave.

(d) Enforcement. Before taking any enforcement action under this section, a Police Officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) of this section is present.

(e) Penalties. A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$750.00. [Ord. dated 7-31-1998, § 1; prior code § 6-1-27.]

6.05.350 Improper water use.

No person shall cause or allow any water used to irrigate their property to flood, run or trickle from their premises onto any sidewalk, alley, street, public property or any neighboring property causing the same to become wet, muddy, slippery or otherwise inconvenient or dangerous. [Ord. 7, 2002, § 1; prior code § 6-1-28.]

6.05.360 Recreational vehicles.

(a) It is unlawful and a violation of this chapter to park or store recreational vehicles on any street or public right-of-way within the Town except as follows:

(1) The owner of any recreational vehicle may apply to the Zoning Administrator for an annual RV parking permit to park a recreational vehicle on a public street or right-of-way adjacent to the lot owned by him. If the Zoning Administrator determines that there is insufficient space or access to the lot for storage of such recreational vehicle, then he shall notify the applicant, who shall obtain the signatures of the owners of four of the five lots adjacent to and across the street or right-of-way from the applicant, agreeing to the parking of such recreational vehicle. The signatures shall be presented to the Zoning Administrator on a petition before a permit to park on the street or right-of-way will be approved. The five lots shall mean the two lots immediately adjacent on the same side of the street or right-of-way (one

on each side) and the three lots immediately across the street or right-of-way. If fewer than five lots as described above surround the recreational vehicle owner's lot, then the signatures of all but one of the surrounding lot owners are required.

(2) The owner of any recreational vehicle shall be permitted to park such recreational vehicle on any street or public right-of-way for a period not to exceed 15 consecutive days in any 30-day period. Any person desiring to park any recreational vehicle on a street or public right-of-way for a period in excess of 15 consecutive days in any 30-day period shall first obtain an RV parking permit as set forth in subsection (a)(1) of this section.

(3) At any intersection of streets or intersection of streets with alleys, it shall be unlawful to park a recreational vehicle within the triangle formed by a line drawn from the point of intersection of the centerlines of the intersecting streets or alley, back a distance of 75 feet with the line drawn to form a right triangle.

(4) RV parking permits can be renewed annually if no objections have been received from adjoining property owners. The application and renewal for an RV parking permit shall be free of charge unless otherwise approved by a resolution or ordinance of the Town Council.

(5) Notwithstanding the foregoing, no recreational vehicle shall be parked or stored in such a manner or in such location as to impede the safe and unrestricted flow of pedestrian or vehicular travel over any street, sidewalk, alley or other public right-of-way.

(b) Recreational vehicles shall not be used for dwelling purposes on any property, except for incidental overnight sleeping, without first obtaining an RV occupancy permit as provided herein.

(1) The owner of any recreational vehicle may apply for an RV occupancy permit for the use of a recreational vehicle as a dwelling.

(2) Upon completion of the proper application and payment of the applicable application fee, an occupancy permit may be issued by the Zoning Administrator for a period of 180 days. No recreational vehicle shall be used as a dwelling for more than 180 days in any one calendar year without the prior approval by the Zoning Administrator and the Town Council.

(3) The application fee for RV occupancy permits shall be \$25.00 per permit application.

Application shall be made on an application form prescribed by the Zoning Administrator.

(c) Recreational vehicles shall not be permanently connected to sewer lines, water lines or electric service. Recreational vehicles may be connected to sewer lines, water lines and electric service temporarily during the periods described in subsection (b) of this section, or for charging batteries, maintenance and similar purposes.

(d) No recreational vehicle required to be licensed or registered under State law shall be stored or parked on any street or public right-of-way unless it is properly registered and has affixed to it a current registration plate, sticker or other proof of registration as required for highway or other off-road use. [Ord. 10, 2014 § 1.]

Chapter 6.10

DANGEROUS BUILDINGS

Sections:

6.10.010	Authority.
6.10.020	Short title.
6.10.030	Definitions.
6.10.040	Prohibition.
6.10.050	Abatement.
6.10.060	Notice.
6.10.070	Contents of notice.
6.10.080	Hearing by Town Council.
6.10.090	Appeals to the Town Council.
6.10.100	Appeals from the Town Council.
6.10.110	Emergencies.
6.10.120	Lien and expenses.
6.10.130	Enforcement and penalties.

6.10.010 Authority.

This chapter is adopted pursuant to the authority found in W.S. 15-1-103(a)(v)(xix), (xxvi) and (xli). [Ord. dated 8-12-2004, § 2; prior code § 6-2-1.]

6.10.020 Short title.

This chapter shall be known, cited and referred to as the “Dangerous Buildings Ordinance” of the Town of Byron. [Ord. dated 8-12-2004, § 3; prior code § 6-2-2.]

6.10.030 Definitions.

The term “dangerous buildings” as used in this article is hereby defined to mean and include:

(a) Any building, mobile home, shed, fence, or other manmade structure which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease, or injury to the health of the occupants of it or neighboring structures;

(b) Any building, mobile home, shed, fence, or other manmade structure which because of faulty construction, age, lack of proper repair, dilapidated condition or any other cause, is especially liable to fire and constitutes or creates a fire hazard;

(c) Any building, mobile home, shed, fence, or other manmade structure which by reason of faulty construction or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such structure;

(d) Any building, mobile home, shed, fence, or other manmade structure which because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure, rodents, bats or stray animals.

Any such dangerous building in the Town is hereby declared to be a nuisance. [Ord. dated 8-12-2004, § 4; prior code § 6-2-3.]

6.10.040 Prohibition.

It shall be unlawful to maintain or permit the existence of any dangerous building in the Town, and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition, or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition. [Ord. dated 8-12-2004, § 5; prior code § 6-2-4.]

6.10.050 Abatement.

Whenever the Building Inspector, the Fire Marshal or the Health Officer shall be of the opinion that any building or structure in the Town is a dangerous building, he shall file a written statement to this effect with the Town Clerk. The Clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, in accordance with BTC 6.10.060. [Ord. dated 8-12-2004, § 6; prior code § 6-2-5.]

6.10.060 Notice.

(a) The Town Clerk shall cause written notice to be served upon the owner of any dangerous building and upon any lawful occupant thereof, by registered or certified mail, requesting a return receipt signed by the addressee or any authorized agent of the addressee. Service of the notice shall be deemed complete upon the date of receipt of the notice, as determined by the date on the return receipt. If, for any reason, the receipt is returned without an acceptance date, it shall be deemed to have been received three days after the date of mailing.

(b) If the mailed notice is returned as undeliverable for any reason or if the whereabouts of the owner is unknown and the same cannot be determined by the Town Clerk in the exercise of reasonable diligence, then the Town Clerk shall make an affidavit to that effect. After making the affidavit,

the Town Clerk may then serve the notice upon such persons by publishing the same at least once a week for four consecutive weeks in a newspaper published in Big Horn County, Wyoming. Service of the notice shall be deemed completed upon the date of the last publication and proof of service shall be established by securing a "proof of publication" or similar statement from the newspaper. Upon completion of the notice, the Town may take the necessary action as set forth in the notice.

(c) Notice shall be posted on the dangerous building stating:

THIS BUILDING IS DANGEROUS AND UNFIT FOR HUMAN HABITATION. THE USE OF OCCUPANCY OF THIS BUILDING IS PROHIBITED AND UNLAWFUL.

BY _____, _____
(Name) (Title)

for the Town of Byron, Wyoming.

[Ord. dated 8-12-2004, § 7; prior code § 6-2-6.]

6.10.070 Contents of notice.

Regardless of whether the notice is served personally or by publication, it shall contain the following:

(a) Name of owner.

(b) The general location of the building, which may include a legal description.

(c) The decision reached concerning the building, including the name and title of the person making the decision.

(d) The reasons or causes for the decision.

(e) The nature of the action requested and time in which action must be taken by the owner or the Town will take such action.

(f) That an appeal of the decision may be taken to the Town Council provided written notice is given to the Town within 10 days after service of the notice. If an appeal is taken, the notice must contain the phone number and address of the owner or authorized agent for purposes of notification of the date, time and place for the hearing before the Town Council. [Ord. dated 8-12-2004, § 8; prior code § 6-2-7.]

6.10.080 Hearing by Town Council.

Any decision of the Building Inspector, the Fire Marshal or the Health Officer requiring the repair or demolition of any dangerous building shall be reviewed by the Town Council prior to actually implementing any such decision. The review required by this section shall be deemed satisfied if an owner or authorized agent appeals the decision and a hearing is held to consider that appeal. If no appeal is filed, the Town Council shall hold a public hearing after the expiration of the appeal period for purposes of reviewing the decision. If, after a hearing on the matter, the Town Council is in concurrence with the decision of the Building Inspector, Fire Marshal or the Health Officer, it may order the repair or demolition of any dangerous building in accordance with the request or impose any conditions or modification deemed necessary. [Ord. dated 8-12-2004, § 9; prior code § 6-2-8.]

6.10.090 Appeals to the Town Council.

Any decision of the Building Inspector, the Fire Marshal or the Health Officer as set forth in his written statement may be appealed to the Town Council by any aggrieved owner or his authorized agent. Any such appeal shall be made within 10 days from the date of service of notice and shall be in writing setting forth with specificity all reasons for disagreement with the decision and contain a phone number and address of the owner or authorized agent. All appeals shall stay all proceedings in furtherance of the decision until the Town Council, acting in their legislative capacity, has held a public hearing thereon and given reasons for their decision, unless a stay would cause imminent peril to life or property. [Ord. dated 8-12-2004, § 10; prior code § 6-2-9.]

6.10.100 Appeals from the Town Council.

All final decisions of the Town Council may be reviewed by a court of competent jurisdiction in the same manner as the review of any other legislative decision of a governing body. [Ord. dated 8-12-2004, § 11; prior code § 6-2-10.]

6.10.110 Emergencies.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building, as defined herein, is immediately repaired or demolished, the Building

Official, the Fire Marshal or the Health Officer shall report such facts to the Town Council and the Council shall cause the immediate repair or demolition of such dangerous building, the cost of such emergency repair or emergency demolition shall be a lien, and collected in the same manner as provided in BTC 6.10.120. [Ord. dated 8-12-2004, § 12; prior code § 6-2-11.]

6.10.120 Lien and expenses.

If the owner of any building or structure fails to comply with the decision stated in the notice within the time fixed therein, the Town may proceed to cause the building, mobile home, shed, fence or other manmade structure to be altered, repaired or demolished in accordance with the notice. If a building or structure is demolished in accordance with the notice, the Town may sell or dispose of the salvaged materials therefrom at public auction upon 10 days' posted notice. The Town shall keep an accurate account of the expenses incurred in carrying out the decision and shall credit thereon the proceeds of any salvage sale. The full amount of all expenses, with interest thereon at the highest rate allowed by law, plus attorney's fees, shall constitute a lien against the real estate on which the building or structure is or was situated and if the amount thereof is not paid by the owner or other party in interest within 90 days after completion of the work by the Town, the lien may be foreclosed and the real estate shall be sold in any manner provided by law for the sale of real estate upon foreclosure. The proceeds of the sale shall be paid to the Town. If the amount received as salvage or on sale exceeds the expense incurred by the Town, the Town shall forward the payment of the surplus to the previous owner for his use and benefit. [Ord. dated 8-12-2004, § 13; prior code § 6-2-12.]

6.10.130 Enforcement and penalties.

(a) It shall be the responsibility of the Town Council or its authorized agents, namely the Building Inspector, the Fire Marshal or the Health Officer, to administer this chapter.

(b) Any person, firm, partnership or corporation who violates this chapter may be punished by a fine of not more than \$750.00 for each offense. Each day's continuance of such violation shall be deemed to be a separate offense. In addition to the remedies and fine provided for herein, any other

appropriate legal action in law or equity authorized by the Town Council may be employed against violators of this chapter, including but not limited to injunctions, mandamus or abatement. [Ord. dated 8-12-2004, § 14; prior code § 6-2-13.]

Chapter 6.15

WEED CONTROL ZONE

Sections:

- 6.15.010 Boundaries.
- 6.15.020 Specific definitions.
- 6.15.030 Duty of owner or occupant.
- 6.15.040 Prohibited acts.
- 6.15.050 Enforcement/penalties.

6.15.010 Boundaries.

The boundaries of the Town of Byron Weed Control Zone shall be coterminous with the boundaries of the Town of Byron Livestock Control Zone, as shown on the official Town of Byron Zoning Map. [Ord. 1, 2014, § 1.]

6.15.020 Specific definitions.

“Declared weed” means any plant species as designated by the Wyoming Weed and Pest Council or the Big Horn County Weed and Pest Board as a declared weed in areas of Big Horn County, Wyoming, or as defined by and within the meaning of W.S. 11-5-102(a)(viii) which is incorporated by reference and adopted herein. The term “declared weed” also includes any species of plant which is defined as “noxious weed” under this chapter.

“Landscape control plan” means a written plan of the lot’s growth of trees and shrubs that are “declared weeds” or of other plants that by virtue of their prolific reproductive nature may infest the property of others. The plan must include drawings showing mature Russian olive trees (a designated noxious weed) with a base diameter greater than six inches or other trees which may otherwise be considered a violation of this chapter. To the extent that a landscape control plan is required under this chapter, it must first be approved by the Byron Town Council.

“Noxious weed” means any plant species defined by W.S. 11-5-102(a)(xi) and any weed declared as a designated noxious weed by the Wyoming Weed and Pest Control Council or the Big Horn County Weed and Pest Board including *Tribulus terrestris* (Goat’s Head).

“Weed” shall mean a herbaceous plant including trees and shrubs not valued for use or beauty, growing wild and uncultivated, or any plant which by their prolific reproductive nature may infest the

property of others by seeds or rhizomes. The term “weed” shall include any Russian olive and *Ulmus parvifolia* (Chinese elm) tree which has a base diameter of less than six inches. [Ord. 1, 2014, § 2.]

6.15.030 Duty of owner or occupant.

It shall be the duty of every person whether owner or occupant of any parcel of land, building, or premises, to control the growth of declared weeds or other plants, trees, or shrubs, in such a manner as to cause an actual or potential infestation of that parcel of land or any adjoining property. [Ord. 1, 2014, § 3.]

6.15.040 Prohibited acts.

(a) No person, whether owner, governmental agency, business, lessee or renter, shall allow or fail to control the growth of any declared weed upon the property owned or under their control.

(b) No person, whether owner, governmental agency, business, lessee or renter, may allow the growth of any Russian olive (a weed) upon the property with a base diameter less than six inches (as measured one foot from the ground level) unless said tree is approved as part of a landscape control plan submitted by the owner and approved by the governing body of the Town of Byron.

(c) No person, whether owner, governmental agency, business, lessee or renter, may allow the growth of any plant upon the property that violates an adjoining neighbor’s solar rights as protected by the Wyoming “Solar Rights Act,” W.S. 34-22-101.

(d) No person, whether owner, governmental agency, business, lessee or renter, may plant a tree upon the property within 10 feet of the property boundary without the written permission of the adjoining property owner or the Town of Byron in cases where the tree will abut a street or alley.

(e) After the effective date of the ordinance codified in this chapter, no newly planted tree or seedling shall be allowed to grow upon a property line or fence line unless said tree is approved as part of a landscape control plan submitted by the owner and approved by the governing body of the Town of Byron. This provision shall not apply to any trees which were planted or growing prior to the effective date of the ordinance codified in this chapter. [Ord. 1, 2014, § 4.]

6.15.050 Enforcement/penalties.

(a) Enforcement.

(1) Before taking any enforcement action under this section, a Police Officer or designee of the Mayor shall orally discuss the requirements of this chapter and provide a copy of this chapter along with a written statement warning of apparent violations of the ordinance to the owner and/or occupant in control of the property.

(2) Said warning shall state that the owner or occupier of the offending parcel of land shall have seven days to eliminate, remove, correct or fully abate the offending declared weeds or trees located on said parcel. To the extent possible, the owner or occupant of the offending parcel shall be personally served with said notice.

(3) In the event that the owner or occupant of the offending parcel of land cannot, after a reasonably diligent search, be located to effect service of the written warning, the Police Officer shall in writing on said warning state the efforts taken to serve the owner or occupant and shall then place a copy of the written warning on or at a conspicuous location upon the parcel. In addition, the Police Officer shall likewise deposit a copy of said written warning in the mail, certified mail, return receipt requested to the address and addressee listed by Big Horn County on the latest tax assessment roll for the offending parcel.

(4) In the event the property owner or occupant in violation of this chapter fails to comply with the requirement of this chapter or is an owner or occupant who cannot be served by process of law, then the Town of Byron may hire a contractor to enter upon the property to mitigate the offense and the cost of such service will be filed as a lien upon the property in a manner provided by law and the owner or occupant shall be required to reimburse the Town of Byron for such expenses.

(b) Penalties. An owner, lessee or renter, occupant or other having control of a property not in compliance with this chapter is guilty of a separate offense for each day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$750.00. [Ord. 1, 2014, § 5.]

Title 7

POLICE AND MUNICIPAL COURT PROCEDURE

Chapters:

7.05 Municipal Court

7.10 Police

Chapter 7.05**MUNICIPAL COURT**

Sections:

- 7.05.010 Summons of witnesses.
 7.05.020 Trial without jury.
 7.05.030 Fines.

7.05.010 Summons of witnesses.

It shall be the duty of the Municipal Judge of the Town of Byron to summon all persons whose testimony may be deemed material as witnesses at the trial, and to enforce their attendance by attachment, if necessary. [Ord. 15, 2000, § 1; prior code § 7-1-1.]

7.05.020 Trial without jury.

Cases in Municipal Court for violation of Town ordinances shall be tried and determined by the Municipal Judge without the intervention of a jury, and the trial of such cases before such Municipal Judge shall be conducted in all respects not here or otherwise provided for, in like manner as criminal cases before a Justice of the Peace. [Ord. 15, 2000, § 1; prior code § 7-1-2.]

7.05.030 Fines.

Any person convicted before the Municipal Judge shall be punished by such fines as may be provided by ordinance; provided, that no fine shall exceed \$750.00, and there shall be no penalty of imprisonment for such conviction.

(a) To Include Costs. Every judgment by the Municipal Judge that any person shall pay a fine for the violation of any ordinance of the Town of Byron shall include the cost of prosecution which shall be paid by the defendant with the fine.

(b) Remission of Fines. In each case tried before the Court in which the Town prevails, each defendant shall be charged with costs in the amount of \$10.00 in addition to whatever fine may be levied. [Ord. 16, 2000, § 1; Ord. 15, 2000, § 1; prior code § 7-1-3.]

Chapter 7.10**POLICE**

Sections:

- 7.10.010 Supervision.
 7.10.020 Duties.
 7.10.030 Powers.
 7.10.040 *Repealed.*
 7.10.050 *Repealed.*
 7.10.060 Chapter to apply.

7.10.010 Supervision.

Any Policemen of the Town, regular or special, shall be under the supervision of the Chief of Police. [Ord. 17, 2000, § 1; prior code § 7-2-1.]

7.10.020 Duties.

(a) The Chief of Police or any other Policeman shall be bound to carry out and execute all duties which may be required by the Town Council, by ordinance or resolution.

(b) To make arrests with proper process, for any offense against the ordinances of the Town or laws of the State, and bring the offender to trial before the proper officer, and to arrest without process in all cases where such offense shall be committed or attempted on view.

(c) To swear out a complaint against anyone known to have committed a crime.

(d) To arrest any person found under suspicious circumstances unless such person gives satisfactory account of himself.

(e) The Chief of Police shall perform such other duties as the Town Council shall from time to time direct, and all other duties provided by the laws of the State of Wyoming. [Ord. 17, 2000, § 1; prior code § 7-2-2.]

7.10.030 Powers.

The Chief of Police and any Police Officer duly qualified shall have all the powers granted to police or law enforcement officers by the laws of the State of Wyoming. [Ord. 20, 2000, § 1; Ord. 17, 2000, § 1; prior code § 7-2-3.]

7.10.040 Suspension.

Repealed by Ord. 21, 2000. [Prior code 7-2-4.]

7.10.050 Suspension on account of absence from duty.

Repealed by Ord. 22, 2000. [Prior code 7-2-5.]

7.10.060 Chapter to apply.

The provisions of this chapter apply to the Chief of Police, regular or special Police Officers, night watchmen, or any other officers whose duties are in the nature of a Police Officer. [Ord. 23, 2000, § 1; Ord. 17, 2000, § 1; prior code § 7-2-6.]

Title 8

PUBLIC UTILITIES

Chapters:

- 8.05 Water**
- 8.08 Irrigation**
- 8.10 Sewer**
- 8.15 Electrical Service**
- 8.20 Mosquito Control**
- 8.25 Refuse Containers**
- 8.30 Gas Franchise**
- 8.40 Telecommunications Franchise**

Chapter 8.05**WATER**

Sections:

- 8.05.010 Definition of terms.
- 8.05.020 Reservations of water rights by municipality.
- 8.05.030 Management and maintenance.
- 8.05.040 Water Department.
- 8.05.050 Action by Water Department.
- 8.05.060 Rules and regulations binding to all.
- 8.05.070 Damage to water utility property, equipment.
- 8.05.080 Trespass or interference with the water utility's property.
- 8.05.090 Depositing material in water utility which will obstruct and pollute the water.
- 8.05.100 Water not to be used off premises by others.
- 8.05.110 Water utility customers shall maintain service pipes, etc.
- 8.05.120 Water to be shut off during fires.
- 8.05.130 Waste of water prohibited.
- 8.05.140 Right to suspend use.
- 8.05.150 Notice to property owners not required.
- 8.05.160 Commercial use.
- 8.05.170 Cross connection between water utility and private well line.
- 8.05.180 Standards for service pipes.
- 8.05.190 Discontinuance of service – Failure to comply with regulations.
- 8.05.200 Delinquent water accounts.
- 8.05.210 Extension outside corporate limits – Authority of governing body.
- 8.05.220 Extension outside corporate limits – Required findings prerequisite.
- 8.05.230 Permit.
- 8.05.240 When Water Commissioner and other Town officials may enter premises for inspection.
- 8.05.250 Water may be shut off while making repairs.
- 8.05.260 Service lines – Written permission required.
- 8.05.270 Maintenance.
- 8.05.280 Water utility customer rates.
- 8.05.290 Permits and rules.

- 8.05.300 Installation of mains and new subdivisions.
- 8.05.310 Installation of mains and new subdivisions – Cost – Extent.
- 8.05.320 Water main extension contracts, generally.
- 8.05.330 Expenses of extending services around or through vacant property.
- 8.05.340 Period of subdivider's reimbursement rights under the water main extension contract.
- 8.05.350 Connecting loops and cross ties.
- 8.05.360 Additional water pumping stations.
- 8.05.370 Water meters and frost-proof vault or water pits required.
- 8.05.380 Tampering or interfering with water meter or water pits.
- 8.05.390 Penalties for violation – Disconnection of service.

8.05.010 Definition of terms.

The following words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively ascribed to them as follows:

(a) "Water utility customer" shall be held to mean the property owner or his agent or tenant or occupant having control of a parcel of land connected (tapped) to the Town of Byron utility distribution system whether actively used or not; or the person responsible for the payment of all charges and in whose name such bills are rendered if the tap is actively being used.

(b) "Water utility" means all water and water rights, water works, appurtenances thereto, machinery, equipment and supplies used by the Town of Byron to supply customers with water; excepting therefrom the water tower and the Shoshone Municipal Water Joint Powers Board Pipeline which runs through Town, which facility shall remain under the control of the Shoshone Municipal Water Joint Powers Board; the water service line from the meter riser to the structure or property served shall be regarded as the property of the owner of such structure or property served.

(c) "Water service line" means the line running from the Town water main to the structure or property to be served. [Ord. 7, 2014; prior code § 8-1-1.]

8.05.020 Reservations of water rights by municipality.

The use of water under the provisions of this chapter shall not constitute or be deemed a relinquishment of any water or water rights by the Town and the Town reserves the full right to determine all matters in connection with control and use of such water. [Ord. 7, 2014; prior code § 8-1-2.]

8.05.030 Management and maintenance.

The water utility located within the corporate limits of the Town of Byron shall be maintained, controlled and managed exclusively by the Town of Byron for the purpose of supplying the inhabitants of the Town with water for domestic purposes (which shall not include irrigation), as well as all other necessary municipal objectives and purposes. [Ord. 7, 2014; prior code § 8-1-3.]

8.05.040 Water Department.

The Water Department, under the direction and supervision of the Mayor and Council, shall have the general management, control and supervision of the water utility of the Town of Byron. [Ord. 7, 2014; prior code § 8-1-4.]

8.05.050 Action by Water Department.

The Water Department or Mayor shall have the power at all times to make necessary rules and regulations governing water service within the Town, subject to the approval of the Town Council at its next regular, special or adjourned meeting. [Ord. 7, 2014; prior code § 8-1-5.]

8.05.060 Rules and regulations binding to all.

All water utility customers, whether located inside or outside the corporate limits of the Town, shall abide by all rules, regulations and ordinances pertaining to the Town water service that presently exists or may hereafter be adopted. [Ord. 7, 2014; prior code § 8-1-6.]

8.05.070 Damage to water utility property, equipment.

No person shall in any way damage any property, equipment or appurtenances constituting or being part of the water utility. [Ord. 7, 2014; prior code § 8-1-7.]

8.05.080 Trespass or interference with the water utility's property.

No person shall trespass upon the property of the water utility or tap any water mains or make any connections therewith or in any manner interfere with the water utility or the property, equipment, pipes, meters, valves or any other appliances or appurtenances of the water utility or change or alter the position of any valve or appliance regulating the flow of water in any pipeline. [Ord. 7, 2014; prior code § 8-1-8.]

8.05.090 Depositing material in water utility which will obstruct and pollute the water.

No person shall cast, place, dump, or deposit in or on any part of the water utility, any substance or material which will in any manner injure, damage, or obstruct the same or any material or substance that would tend to contaminate or pollute the water or obstruct the flow of water. [Ord. 7, 2014; prior code § 8-1-9.]

8.05.100 Water not to be used off premises by others.

No water utility customer shall supply water to other families nor suffer them to take or use water off the premises. [Ord. 7, 2014; prior code § 8-1-10.]

8.05.110 Water utility customers shall maintain service pipes, etc.

All water utility customers shall keep and maintain the service pipes and appurtenances connecting their water supply in good repair and protected from frost at their own expense and shall prevent any unnecessary waste of water; and no claim shall be made against the Town by reason of the breaking of any such pipes. [Ord. 7, 2014; prior code § 8-1-11.]

8.05.120 Water to be shut off during fires.

It shall be unlawful for any person during a fire alarm and while the fire pressure is on the water systems, to use water from the distribution system. [Ord. 7, 2014; prior code § 8-1-12.]

8.05.130 Waste of water prohibited.

No person shall waste water from the Town water utility. No leaks in service pipes, connecting

pipes or any water fixture shall be permitted, and if not promptly repaired so as to stop such waste of water, after notice from the Mayor or Town Council water shall be shut off and not again turned on until such leak is repaired. [Ord. 7, 2014; prior code § 8-1-13.]

8.05.140 Right to suspend use.

The right is reserved to suspend the use of water for all nonessential use whenever in the opinion of the Town Council the public emergency requires it. [Ord. 7, 2014; prior code § 8-1-14.]

8.05.150 Notice to property owners not required.

Notice to property owners or tenants or consumers by the Town or by any of its officers or employees, when water is to be turned off for any official reason, shall not be required. [Ord. 7, 2014; prior code § 8-1-15.]

8.05.160 Commercial use.

The use of water by any commercial consumer who will use in excess of 100,000 gallons per month for any month is prohibited, except with written permission of the Town Council first acquired. [Ord. 7, 2014; prior code § 8-1-16.]

8.05.170 Cross connection between water utility and private well line.

No person shall have a cross connection between a private line carrying well water and a line carrying water from the water utility. [Ord. 7, 2014; prior code § 8-1-17.]

8.05.180 Standards for service pipes.

All service pipes, including all further replacement of such pipes, shall be laid at least five feet underground, and in any event, deep enough to prevent freezing. The water service line from the street or alley main to the water user's structure or building to be served with water shall be of sufficient size to furnish an adequate flow of water to meet the requirements of a building at peak demand and shall be at least one inch diameter when such water service line exceeds 100 feet in length from the street or alley main to the water utility customer's structure or building. [Ord. 7, 2014; Ord. 24, 2000, § 1; prior code § 8-1-18.]

8.05.190 Discontinuance of service – Failure to comply with regulations.

If any water utility customer fails to comply with provisions of this chapter, other ordinances, rules and regulations of the Town, uses water for a purpose not authorized, or in a wasteful manner, the Town may disconnect and discontinue water service until such water utility customer is in compliance and has paid any and all costs incurred because of his noncompliance. [Ord. 7, 2014; prior code § 8-1-19.]

8.05.200 Delinquent water accounts.

(a) Water bills shall be due and payable on the tenth of each month. Upon nonpayment of a water bill after the last day of the month, a written notice of delinquency shall be sent to the address of the account holder and shall specify the amount due. If full payment is not made within 10 days after notification mailing of the notice of delinquency, a disconnect order will be created to go out and shut the services off.

(b) If water service is disconnected due to nonpayment, the entire balance at the time of the reconnect, a reconnect fee and a deposit will need to be paid prior to the reconnection of the service. The reconnection fee will be as set forth in BTC 8.05.280(h) and the deposit will be as set forth in BTC 8.05.280(e) and 8.10.080(b).

(c) If the delinquent amount is not paid within 10 days after the mailing of the notice of delinquency, the current deposit, if any, shall be applied to the account to cover as much of the delinquent charge as possible.

(d) In the event water service is discontinued for nonpayment as provided in this section, no service will be restored to the account holder whose service has been discontinued until the account is brought current and paid in full, all disconnection and connection fees due from account holder are paid, and, if the required initial deposit has already been applied to the account, account holder submits another deposit at the current rate set. [Ord. 7, 2014; Ord. 1, 2012 § 1; prior code § 8-1-20.]

8.05.210 Extension outside corporate limits – Authority of governing body.

The Town Council may in its sole discretion enter into agreements with customers whose lands

lie outside the corporate limits, to supply water for domestic use. [Ord. 7, 2014; prior code § 8-1-21.]

8.05.220 Extension outside corporate limits – Required findings prerequisite.

Before the Town Council shall enter into any such agreement to supply water outside the corporate limits of the Town of Byron, it shall find:

(a) That supplying such water is economically feasible.

(b) The property to be served is readily adaptable to and can be made to conform, within a reasonable time to be fixed by the Town Council, to the then existing ordinances relating to subdivisions, plotting, zoning and construction of the improvements.

(c) That supplying such water would help promote the orderly growth and development of the Town.

(d) That supplying such water would help promote the health, safety and welfare of the citizens of the Town.

(e) That supplying such water would help promote ecological and aesthetic considerations in the growth and development of the Town.

(f) That supplying such water is generally in the best interest of the Town.

(g) That there is an adequate supply of water available to first satisfy existing water utility customers with an ample or sufficient supply of water to meet their present and anticipated future water needs.

(h) Where the Town has previously entered into such an agreement to supply water and is supplying water outside the corporate limits of the Town, no person other than existing water utility customers shall tap or connect onto any part of the water utility supplying water outside the corporate limits of the Town without first securing permission of the Town Council of the Town of Byron.

(i) No meter shall be placed outside Town boundaries unless user assumes full responsibility of the line and meter. The water utility customers outside the Town's corporate limits shall bear all costs of installation and maintenance outside the corporate boundaries of the Town. [Ord. 7, 2014; prior code § 8-1-22.]

8.05.230 Permit.

(a) It shall be unlawful for any person or persons to tap or connect to any part of the water utility without first securing a permit from the Town Council of the Town of Byron.

(b) Every person desiring to make connection to the water utility must make a written application therefor to the Mayor or Zoning Administrator for a permit to utilize such water. The applicant must state fully and truthfully the purposes and uses for which the water applied for is to be utilized or consumed. The Mayor or Zoning Administrator is authorized to issue a permit to such person or persons for the purposes and uses of water as stated in such application, and no different or additional use will be allowed except by permission of the Mayor or Zoning Administrator. The application for a permit to make a connection to the water utility should also state the name of the person or persons holding record title to the premises to be benefited by the water supplied, the size of the tap, the water service line, the location thereof, and the premises upon which the water is to be used.

(c) The Mayor or Zoning Administrator shall issue an order to tap the water main and conduct water to meter pit or the lot line, whichever is closer to the tap, upon presentation by the applicant of a receipt from the Town Clerk showing payment of the required fee equal to the documented arithmetic average of the cost of the last five water utility taps and a required affidavit demonstrating the willingness of the applicant to pay any documented or actual costs of the tap beyond the average of the last five taps. In the event the total cost of the applicant's utility tap is less than the arithmetic average of the last five utility taps then the difference shall be refunded to the applicant. The required fee includes the tap fee and all associated installation costs for materials furnished by the Town or contractors contracted by the town including any street repair.

(d) Only persons expressly designated by the Town Council or employed by the Town shall tap water mains, in accordance with the requirements governing the same, upon receipt of evidence that the applicant has complied with all permit requirements. No person or entity which has not been expressly approved by the Town Council shall be allowed to tap water mains.

(e) The Town Clerk shall keep a record of all water permits giving the name of the applicant, date of application and permit, name of owner of the lot and the number of lots to be served.

(f) Meter pits shall be inserted in every service line at the property line. The same shall be visible and flush with the surface and be of a type and size approved by the Town Council.

(g) In making any such connection, the surface of any street or alley shall be restored to as good condition as found before the excavation was made and any existing improvements which may be subject to interference shall be restored to as good condition as found.

(h) Whenever a connection shall be constructed as herein provided, the person or persons constructing the same and making the connection shall leave the same uncovered and open until the work shall be inspected and approved by the person duly designated by the Mayor. [Ord. 7, 2014; Ord. 4, 2011 § 1; Ord. 6, 2009 § 1; prior code § 8-1-23.]

8.05.240 When Water Commissioner and other Town officials may enter premises for inspection.

The duly appointed Water Commissioner and other Town officials and inspectors duly appointed by the Town Council shall have free access at all reasonable hours to enter any premises where water is used for the purpose of inspecting pipes and other fixtures and equipment whether owned by the Town or not, used in the delivery of water from the water utility and for the purpose of ascertaining any violation of any or all the provisions to this chapter. [Ord. 7, 2014; prior code § 8-1-24.]

8.05.250 Water may be shut off while making repairs.

The Council reserves the right to cause the water to be shut off from the mains or parts thereof when deemed necessary for making extensions, repairs or connections to the mains or service pipes, or for the purpose of cleaning the water system. [Ord. 7, 2014; prior code § 8-1-25.]

8.05.260 Service lines – Written permission required.

(a) No person other than a certified operator shall install a water service line, including a meter and meter pit.

(b) No service line shall be installed or connected without first having obtained permission from the Mayor or Zoning Administrator. [Ord. 7, 2014; prior code § 8-1-26.]

8.05.270 Maintenance.

The owner of any property connecting to the water utility shall be responsible for the maintenance from the water meter to the structure or building being served and shall keep this line in good condition at his own expense. He shall at his own expense, at all times, keep all pipes, fixtures and appliances on his property tight and in good working order so as to prevent waste of water. [Ord. 7, 2014; prior code § 8-1-27.]

8.05.280 Water utility customer rates.

(a) The base rate and the charge for water taken through a water meter inside the corporate limits of the municipality will be established by the Town Council based upon formula approved by the Town Council.

(b) In addition to the base rate, the Town of Byron will fund a Water Department restrictive capital depreciation fund. The fund will be maintained in certificate of deposits specifically named and preserved for the purpose of saving money to replace and repair water distribution infrastructure. Each water utility customer having a tap to the water utility will be charged monthly fee to fund the Water Department restrictive capital depreciation fund. The monthly charge for every tap shall be computed annually and charged monthly by taking the base rate established by the Town Council, times nine percent.

(c) In addition to the base rate and capital depreciation fund charges, the Town of Byron will fund a Water Department restrictive cash reserve fund equal to one and one-half times the five-year average water department fixed expenses. The fund will be maintained in certificates of deposit specifically named and preserved for the purpose of the reserve. Each water utility customer having a tap to the water utility (active meters and service lines capable of meter installation) will be charged a monthly rate as set by the Town Council to fund the Water Department restrictive cash reserve fund.

(d) The Town Council shall set a base rate to be charged to each user described above plus an addi-

tional fee per each 1,000 gallons delivered through the meter in excess of the quantity set forth above for the base fee to be delivered to each meter, each month.

(e) A deposit shall be required on all new water utility customers in the amount determined by the Town Council. A deposit shall be required for any water service that has been disconnected for non-payment of service. Deposit(s) will be refunded at the time the occupancy is terminated, provided all charges for water service are paid in full.

(f) The water rates herein established shall be charged against the account holder.

(g) Shoshone Municipal Pipeline front end load meter charge shall be passed on to water users as part of the monthly base fee for water service provided by the Town of Byron.

(h) If a water utility customer or property owner becomes delinquent in the payment of water charges, the water service may be shut off as set forth in BTC 8.05.200 and may not be turned on again until such charges, together with the reconnection charge, have been paid in full. Prior to reconnection, any water user who has had the water shut off for nonpayment shall deposit with the Town the deposit required by subsection (e) of this section, and shall be assessed and pay a \$50.00 reconnection charge.

(i) Any water utility customer that is tapped to the main sewer distribution system may choose to abandon the tap and avoid the monthly water utility customer charges. In the event the water utility customer chooses to abandon the tap service line, said customer must sign an affidavit provided by the Town that states the customer does abandon the tap and relinquishes all future right to use the existing tap and further, agrees that if services to the property is desired in the future that a new tap fee described in BTC 8.05.230 will be required. [Ord. 7, 2014; Ord. 2, 2012 § 1; Ord. 2, 2009 § 1; Ord. 6, 2008 § 1; Ord. 3, 2008 § 1; Ord. dated 12-21-1999, § 1; prior code § 8-1-28.]

8.05.290 Permits and rules.

The Town Council may, by motion, resolution or contract, ordain and establish, under the Constitution and laws of the State, such rates, rules, and regulations that it may deem necessary. [Ord. 7, 2014; prior code § 8-1-29.]

8.05.300 Installation of mains and new subdivisions.

Any person or persons subdividing or developing an area within the corporate limits of the Town shall install the mains in his subdivision by private contract, subject to approval of the plans and specifications thereof by the Town, execution of the extension contract provided in BTC 8.05.320 and the Town's inspection of the actual construction thereof; provided, however, that the Town may elect to install such mains, in which case, the subdivider shall deposit with the Town the estimated cost of installing such mains, plus engineering and administrative expenses, and the Town may then proceed to make the installation by contract with a private contractor. In the event the original deposit is insufficient, the subdivider shall, upon notification, immediately deposit the balance required with the Town to complete the work. [Ord. 7, 2014; prior code § 8-1-30.]

8.05.310 Installation of mains and new subdivisions – Cost – Extent.

All water mains required to serve a platted subdivision, including cross connecting mains, shall be installed at the cost and expense of the subdivider. The subdivider shall install mains to the farthest point in his subdivision. [Ord. 7, 2014; prior code § 8-1-31.]

8.05.320 Water main extension contracts, generally.

For all water main extensions made to serve any subdivision or area platted after the date of the adoption of the ordinance codified in this chapter, the subdivider or developer shall enter into a water main extension contract with the Town. [Ord. 7, 2014; prior code § 8-1-32.]

8.05.330 Expenses of extending services around or through vacant property.

When a subdivider finds it necessary to bring water service from the existing water system through vacant property to his platted subdivision, or construct lines on perimeter of such subdivision, the subdivider shall pay the entire costs of the original construction. At the time of annexation or as the property abutting such water main is developed and connections are made to the water main, the Town may collect a charge per front foot basis

upon the original construction costs, and if so collected shall reimburse the original subdivider to the extent of the collection so made. In no event shall the actual amount so paid to the subdivider by the Town exceed the original costs of the extension. [Ord. 7, 2014; prior code § 8-1-33.]

8.05.340 Period of subdivider's reimbursement rights under the water main extension contract.

The subdivider's rights to reimbursement under the water main extension contract shall in no event exceed a period of 15 years from the date of the execution of such contract and all payment shall cease at that time, regardless of the amount that has at that time been received by the subdivider. [Ord. 7, 2014; prior code § 8-1-34.]

8.05.350 Connecting loops and cross ties.

Connecting loops and cross ties within a subdivision shall be constructed by the subdivider. If the connecting loop is such that property outside the subdivision abuts such loop or ties, and connections are made to such line, the reimbursement provisions of BTC 8.05.340 and this section shall apply. Connecting loops in the nature of a general improvement of the water system shall be paid or financed by the water utility. Before any abutting property shall connect to such mains constructed at the expense of the water utility, the charge based on the front footage of the property to be served shall be collected by the Town. [Ord. 7, 2014; prior code § 8-1-35.]

8.05.360 Additional water pumping stations.

When additional water pumping stations are required to serve a new platted subdivision, the Town Council, as a condition to acceptance of the final plat, may require the installation of the stations and require the subdivider to execute such instruments as may be necessary to convey title to such stations to the Town upon completion. The installation and cost of such stations shall be the responsibility of the subdivider. The Town Council shall supervise the construction and determine all matters with respect to the installation of the stations, including, but not limited to, capacity, type, design, and location, as, in their discretion, would meet minimum requirements for fire and domestic needs. The Town may require over-sized stations

to serve areas larger than that proposed by the subdivider; provided, however, that in such cases, the Town shall pay the cost of the oversize, which cost shall thereafter be collected from other subdividers using the stations. Upon completion, the municipality shall assume responsibility for the operation and maintenance of such stations installed pursuant to this section. [Ord. 7, 2014; prior code § 8-1-36.]

8.05.370 Water meters and frost-proof vault or water pits required.

All water users, whether residing inside or outside the corporate limits of the Town, shall be required to have a water meter after the date of the adoption of the ordinance codified in this chapter and all such meters shall be installed in a waterproof vault or water pit upon the water user's property at a location thereon to be designated by the Town. All water meters shall be furnished by the Town to the water user and shall remain the property of the Town even though affixed or attached to the water user's premises, and shall further be accessible to and subject to the control of the Town. The installation of such water meter, frost-proof vault or water pit, riser and necessary appurtenances shall be performed by the Town employees, and the cost of the installation shall be paid for by the owner of the property at a rate fixed by the Town Council. The rate shall be reviewed annually by the Council and the cost shall be subject to current prices. [Ord. 7, 2014; prior code § 8-1-37.]

8.05.380 Tampering or interfering with water meter or water pits.

It shall be unlawful for any person to tamper or interfere with any meter or water pit. [Ord. 7, 2014; prior code § 8-1-38.]

8.05.390 Penalties for violation – Disconnection of service.

Violations by any water user of any provision of this chapter shall be grounds for disconnection of service if such violation persists or is not promptly corrected upon notification thereof. In addition to any action that may be taken by the Town to disconnect such water service, any person found guilty of violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less

than \$100.00 nor more than \$750.00 for each such offense, to which shall be added the cost of prosecution. [Ord. 7, 2014; prior code § 8-1-39.]

Chapter 8.08

IRRIGATION

Sections:

8.08.010 Irrigation water system.

8.08.010 Irrigation water system.

The purpose of this section is to allow the costs of maintaining and regulating the irrigation water system within the Town to be borne by users of the system. The costs shall be distributed to all users, direct and indirect, of the irrigation water system.

(a) Definitions. As used in this section, unless the context otherwise requires:

(1) “Contiguous” means in actual contact touching at a point or along a boundary.

(2) “Town” means the Town of Byron, Wyoming, a municipal corporation.

(3) “Town-maintained irrigation ditch” means any irrigation ditch maintained by the Town and located within the Town’s municipal boundaries and in accordance to the map that identifies the maintained system that is filed in the Town Clerk’s office.

(4) “Tract” means a parcel of land located within the corporate limits of the Town, designated on a plat of record as being an individual lot.

(5) “User” means a person who owns a tract of real property upon which irrigation water is used.

(b) Rates.

(1) There is imposed a user fee upon every tract of real property for which irrigation water is used from a Town-maintained irrigation ditch. The fee is imposed for the maintenance and regulation of the irrigation water system, and shall include reasonable administrative costs.

(A) If contiguous tracts of land upon which irrigation water is used are owned by the same water user, such contiguous tract shall only be counted as one tract for purposes of this section.

(2) The user fee imposed in this section shall be included on the user’s monthly Town utility bill from April through October of each year.

(3) The fee imposed pursuant to the provisions of this subsection is established to be \$15.00 per month from April through October of each year.

(4) The owner of each tract of real property shall be solely liable for the payment of all fees imposed pursuant to this section.

(c) Irrigation Regulations and Enforcement.

(1) In addition to the actual use of irrigation water, presence of dams, pumps or siphons shall be prima facie evidence of irrigation water use.

(2) Failure to pay for the use of irrigation water shall constitute a misdemeanor. The maximum penalty for such misdemeanor is a \$750.00 fine.

(3) Any dam placed in a Town-maintained irrigation ditch must allow a minimum of one inch of water to flow over the top of the dam for the full width of the ditch or headgate.

(4) The Town may, after providing reasonable notice to the user or adjacent landowner, as the case may be, pull any dam that is adversely affecting the delivery of water to other users.

(5) The Town may implement a water rationing program in an attempt to provide adequate water supplies to all users.

(6) Altering siphons, diversion structures, headgates, silt traps and other appurtenances of the irrigation system is not allowed without prior authorization in writing from the Town. Any unauthorized alteration shall constitute a misdemeanor. [Ord. 1, 2010 § 1; prior code § 8-1-28(A).]

Chapter 8.10

SEWER

Sections:

8.10.010	Permits.
8.10.020	Dimensions of sewer pipe.
8.10.030	Inspection.
8.10.040	Compelling sewer hookup.
8.10.050	Destruction of property.
8.10.060	Blocking or obstructing sewer system.
8.10.070	Violation and penalty.
8.10.080	Sewer customer utility rates.

8.10.010 Permits.

(a) It shall be unlawful for any person or persons to tap or make connection with any main sewer line installed in the Town of Byron without first obtaining a permit for the same.

(b) Permission to connect to such sewer main shall be granted by the Mayor or Zoning Administrator. No such permission shall be granted until a fee equal to the estimated cost of all materials needed to install the sewer and all costs of street repair. In addition, the applicant must sign an affidavit demonstrating the willingness of the applicant to pay any documented costs of the tap beyond the estimated cost of materials and street repairs. In the event the total cost of the applicant's utility tap is less than the estimated cost of all materials needed for the street repair and all costs of street repair then the difference shall be refunded to the applicant.

(c) A building permit showing the course of the sewer line upon private property shall be filed with the Town Clerk before the extension is made.

(d) The owner of the property shall be responsible for sewer lines to the sewer main. The Town shall maintain all sewer mains.

(e) The Town Clerk shall keep a record of all sewer permits herein provided for which contain the name of the applicant, the date of application and permit, the name of the owner of the lots, and the number of lot or lots to be drained by the proposed sewer.

(f) In making any such connection the surface of any street or alley shall be restored to as good condition as found before the excavation was made and any existing improvements which may be subject to interference shall be restored to as good con-

dition as found. [Ord. 8, 2014; Ord. 3, 2011 § 1; Ord. 7, 2009 § 1; prior code § 8-2-1.]

8.10.020 Dimensions of sewer pipe.

(a) The pipe used in making any such sewer connection from property to main or trunk line shall be four inches in diameter and of standard sewer pipe or cast iron pipe. In making the tap or connections into the wide branch of the sewer line, an increase of proper dimensions shall be used and all joints shall be packed and properly cemented. All such connecting sewers shall be laid to uniform grade and alignment. Any angles which may be necessary in the line shall be of standard sewer pipe bends. Each bowl used in connection with said connecting sewer shall be equipped with an adequate flushing device sufficient to carry off all matter deposited in such bowl.

(b) In making any such connection, the surface of any street or alley shall be restored to as good a condition as found before the excavation was made and any existing improvements which may be subject to interference shall be restored to as good condition as found. No connection shall be constructed in any such a way as to permit the entrance of surface water or water from a surface drain.

(c) Extensions on main or trunk lines shall be with the approval of the Town Council, and at the cost of the property owners serviced thereby. A variance permit shall be filed and approved by the Town Council before any extension can be made. [Ord. 8, 2014; prior code § 8-2-2.]

8.10.030 Inspection.

(a) Whenever a connection sewer shall be constructed as herein provided, the person or persons constructing the same and making the connection shall leave the same uncovered and open until the work shall be inspected and approved by the Town Engineer or the person duly designated by the Town Council.

(b) If any such connecting sewer shall be built or constructed otherwise than in strict compliance with the terms and requirements of this chapter, same shall be declared a nuisance and shall be abolished or abated according to law and shall be immediately disconnected from the main or district sewer until the same is made to comply with the provisions of this chapter. [Ord. 8, 2014; prior code § 8-2-3.]

8.10.040 Compelling sewer hookup.

Whenever the Town Council shall deem it necessary for sanitary purposes and the general health and welfare of the Town that any and all of the improved property within any sewer district of the Town be connected with the main or district sewer located in said district and provided for that purpose, the said Town Council shall have the authority to so order and direct; and thereupon it shall become the duty of any property owner so designated or included within such order within 15 days, or such other time as therein set forth, after the service upon such owner or the occupant of said premises, a copy of such order to commence and prosecute with due diligence the work and making and constructing said sewers and its connection with the main or district as directed in said order. [Ord. 8, 2014; prior code § 8-2-4.]

8.10.050 Destruction of property.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the municipal sewage works. [Ord. 8, 2014; prior code § 8-2-5.]

8.10.060 Blocking or obstructing sewer system.

It shall be unlawful for any person to maliciously, willfully, or negligently deposit in the sewer system of the Town of Byron any objects likely to block or obstruct or damage the sewer lines of the Town of Byron. [Ord. 8, 2014; prior code § 8-2-6.]

8.10.070 Violation and penalty.

Any person or corporation violating or failing to comply with the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$750.00 and the cost of prosecution. [Ord. 8, 2014; prior code § 8-2-7.]

8.10.080 Sewer customer utility rates.

All persons or entities connected with the sewage system of the Town of Byron shall pay maintenance and operation assessment at rates which are set and adjusted by the Town Council as allowed by law.

(a) All sewer utility customers discharging waste water into the Town of Byron mains will be charged a monthly base rate equal to a five-year average fixed sewer department expenses divided by the five-year average number of sewer taps connected to Town of Byron sewer mains, plus a two percent inflation increase per year.

(b) Sewer utility customers not discharging water into a Town of Byron main will not be charged that portion of the five-year average fixed sewer department expenses associated with the cost of treating discharged water.

(c) In addition to the above base rate, the Town of Byron will fund a sewer department restrictive capital depreciation fund. The fund will be maintained in certificates of deposit specifically named and preserved for the purpose of saving money to replace sewer distribution infrastructure. Each sewer utility customer having a tap to the sewer main will be charged monthly to fund the sewer department restrictive capital depreciation fund. The monthly charge for every tap shall be computed annually and charged monthly by taking the base rate established by the Town Council times nine percent.

(d) In addition to the above base rate and capital restrictive depreciation fund charges, the Town of Byron will fund a sewer department restrictive reserve fund equal to one and one-half times the sewer department fixed expenses. The fund will be maintained in certificate of deposit specifically named and preserved for the purpose of the reserve. Each sewer utility customer having a tap to the sewer utility will be charged monthly to fund the sewer department restrictive cash reserve fund. The monthly charge for every tap shall be computed annually and charged monthly by taking the local base rate times nine percent.

(e) At the close of the fiscal year any money collected for the sewer department restrictive cash reserve fund not needed to maintain the required one and one-half times sewer department expenditures shall roll over and be deposited in the sewer department restrictive capital depreciation fund.

(f) Sewer rates shall be adjusted annually. The Mayor, Sewer Department staff, and the Town Clerk shall present to the Town Council a sewer rate recommendation in the month of June for the subsequent fiscal year. The recommendation shall

be derived by applying the above formula for rate adjustment.

(g) Any sewer utility customer that is tapped to the main sewer distribution system may choose to abandon the tap and avoid the monthly sewer utility customer charges. In the event the sewer utility customer chooses to abandon the tap service line, said customer must sign an affidavit provided by the Town that states the customer does abandon the tap and relinquishes all future right to use the existing tap and further, agrees that if service to the property is desired in the future that a new tap fee described in BTC 8.10.020 will be required.

(h) Any persons not owners of the property who occupy a residence, apartment or rental unit connected with the sewer system of the Town of Byron shall pay a deposit with the Town Treasurer, Town of Byron, an amount as determined by the Town Council toward payment of a sewer service furnished by the Town of Byron, which deposit will be refunded at the time the occupancy is terminated, provided all charges for sewer service are paid in full. The owner of the residence, apartment, or rental property shall notify the Town Treasurer of the Town of Byron of any occupancy or he shall be responsible for payment of charges for sewer service furnished by the Town of Byron.

(i) The assessments provided herein shall constitute a first lien upon the property connected with said sewer system. [Ord. 8, 2014; Ord. 8, 2009 § 1; Ord. 1, 2002, § 1; Ord. 4, 2000, § 1; Ord. dated 6-10-1999, § 1; prior code § 8-2-8.]

Chapter 8.15

ELECTRICAL SERVICE

Sections:

- 8.15.010 Grant to Pacific Power and Light.
- 8.15.020 Erection and maintenance of facilities.
- 8.15.030 Grantee's right to trim trees.
- 8.15.040 Rates and prices.
- 8.15.050 Franchise fee.
- 8.15.060 Acts of God.

8.15.010 Grant to Pacific Power and Light.

The Town of Byron, Big Horn County, Wyoming, hereinafter called the Town, does hereby grant to Pacific Power and Light Company, a corporation authorized to do business in the State of Wyoming, and to its successors and assigns, hereinafter called grantee, a right and franchise for the period of 25 years from and after February 6, 1976 (the original effective date of the ordinance codified in this chapter), to construct, maintain, and operate in, on and under the present and future streets, alleys, public places and ways, hereinafter referred to as "streets," electric light and power transmission and distribution lines, with all necessary or desirable appurtenances, including underground conduits, poles, wires, and telephone wires, hereinafter referred to as "facilities," for the purpose of supplying electricity and electric service to said Town, the inhabitants thereof, and persons and corporations within and beyond the limits of the Town, subject to the terms and conditions and to the making of payments hereinafter specified. [Prior code § 8-3-1.]

8.15.020 Erection and maintenance of facilities.

The grantee shall erect and maintain all such facilities in accordance with good engineering practice and in such manner as not to interfere with the use of said streets for travel, and whenever it shall be necessary in the erection of such facilities to dig or in any manner to disturb or interfere with any of said streets, grantee shall within a reasonable time thereafter put such streets in as good condition as they were before becoming broken, dug or disturbed, and shall remove all rubbish or other material from said streets.

Whenever and wherever grantee shall rebuild, relocate or construct new distribution or transmission lines within the Town, such distribution and transmission lines shall, if feasible, be located in the alleys or utility easements of the Town. [Prior code § 8-3-2.]

8.15.030 Grantee's right to trim trees.

The grantee shall have the right and privilege of trimming all trees which overhang said streets in such a manner and to such an extent as will prevent the branches or limbs or other parts of such trees from touching or interfering with its facilities; providing, no such trees shall be trimmed or cut back farther than may be necessary to prevent such interference and to allow the proper operation and maintenance of said facilities, and providing that all debris resulting from said work be removed at grantee's expense. [Prior code § 8-3-3.]

8.15.040 Rates and prices.

The rates and prices which grantee may charge for electricity and electric energy furnished and sold for public and private use during the term hereof and under the conditions of this franchise shall be in accordance with tariffs filed with the Public Service Commission of the State of Wyoming, or approved by the Public Service Commission, and in accordance with the laws and Constitution of the State of Wyoming. [Prior code § 8-3-4.]

8.15.050 Franchise fee.

As a consideration for all franchise rights and contractual privileges granted by the Town under the franchise hereby granted, grantee shall pay to the Town an amount equal to two percent of the grantee's gross revenue as said term is defined herein. Such payments shall be made monthly on or before the twentieth day of each month during the term hereof and shall be computed on the gross operation revenue accrued during the previous month or portion thereof.

The term "gross revenue" as used herein shall mean and be construed as the grantee's gross operating revenue accruing during the preceding month or fraction thereof from the sale of electricity and electric service within the corporate limits of the Town, other than such revenue derived from sales of electric service to the Town or from business

done with the U.S. Government or any agency thereof and after deducting therefrom any amounts paid by the grantee to the United States or to the State of Wyoming as excise or business taxes upon the sale or distribution of electric service in the Town, and at the election of grantee, grantee may also deduct from gross revenues the total of all uncollectible revenues from customers within the Town during the preceding month or fraction thereof.

The amounts so payable by grantee shall not be in addition to any other license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the Town from grantee in respect to grantee's electric business or of the exercise of this franchise within the corporate limits of the Town, and the amount of any such license, occupation, franchise, or excise taxes or other charges for corresponding periods shall be reduced by deducting therefrom the franchise fee or charge payable hereunder by grantee; provided, that this provision shall not apply or pertain to lawful ad valorem taxes levied by the Town of Byron or other public authority against grantee's property within the Town. [Prior code § 8-3-5.]

8.15.060 Acts of God.

Performance of grantee's obligations hereunder shall be subject to and suspended during prevention thereof or interference therewith, by action of or under governmental authority claiming jurisdiction, or by acts of God, adverse weather, supply, labor or other conditions not wholly controlled by grantee, but prevention of such obligations shall not relieve grantee from any monthly payment aforesaid to the Town. [Prior code § 8-3-6.]

Chapter 8.20

MOSQUITO CONTROL

Sections:

8.20.010 Fees to be charged to each utility user or parcel owner within said boundaries of the mosquito control area to help defray the cost of mosquito control.

8.20.010 Fees to be charged to each utility user or parcel owner within said boundaries of the mosquito control area to help defray the cost of mosquito control.

(a) There is hereby assessed to the account of each utility user or owner of each parcel of land within said boundaries of the mosquito control area, Big Horn County, Wyoming, a monthly charge set by the Town Council, payable at the same time the utility accounts are payable, for the purpose of defraying the cost of controlling mosquitoes within the boundaries set forth and within 640 acres parcel recorded with the Wyoming Department of Agriculture for emergency insect management grant requirements or any individuals that shall agree to pay monthly or annual fees.

(b) For the purpose of this chapter, the word "utility" shall mean any account that is set up for the collection of charges for services relating to water and/or sewer.

(c) The Town Council may enter into cooperative agreement with the County of Big Horn, State of Wyoming, or the Federal Government or any political subdivision or agency thereof, for the purpose of establishing and maintaining a mosquito control program, and pursuant to the provisions of such agreements may contribute all or any portion of the amounts collected by virtue of subsection (a) of this section, together with equipment and employees, when the Town Council finds that the citizens of the Town of Byron will benefit from such an agreement. For any parcel of land without utility services, the Town may bill the owner of each parcel annually and said bill is due and payable 30 days after issuance of said bill.

(d) The charges set forth in subsection (a) of this section shall be billed concurrently with charges for utility service, and shall be due and payable with said utility charges. [Ord. 5, 2014; Ord. 1, 2007, § 1; prior code § 8-4-1.]

Chapter 8.25**REFUSE CONTAINERS**

Sections:

8.25.010 Location of refuse containers.

8.25.010 Location of refuse containers.

For those individuals and residents residing within the Town of Byron who use roll-out containers or street-side refuse collection, the containers shall be placed in the street next to the curb for collection or, where there is no curb, on the edge of the street. For those that have alley collection, the roll-out containers shall be placed on the edge of the alleyway. The occupant or owner of property whose collection point is in the street or alley shall not allow any containers to remain there except from 5:00 p.m. on the day preceding a collection day and 8:00 p.m. on the collection day. At all other times, roll-out containers for refuse collection shall be maintained and stored within five feet of a building, garage, house or other outbuilding, or they may be stored in a three-sided solid-fenced area, provided they are screened from view of adjacent residential properties and public rights-of-way. Any person found guilty of violating this section upon conviction thereof shall be punished by a fine of not more than \$750.00 for each such offense. [Ord. 2, 2007, § 1.]

Chapter 8.30**GAS FRANCHISE**

Sections:

8.30.010 Authority granted.
 8.30.020 Facility installation.
 8.30.030 Facilities used.
 8.30.040 Facility map.
 8.30.050 Indemnity.
 8.30.060 Franchise fee.
 8.30.070 Other governmental authority.
 8.30.080 Town of Byron rights in franchise.
 8.30.090 Anti-assignment.
 8.30.100 Nonexclusive.
 8.30.110 Acceptance.

8.30.010 Authority granted.

In consideration of the benefits to be derived by the Town of Byron, Wyoming, hereinafter referred to as "municipality," and its inhabitants from the construction and operation of a gas transmission and distribution system in said municipality there be and hereby are granted to Wyoming Gas Company, a regulated public utility, its successors and assigns, hereinafter collectively referred to as "grantee," the right, permission and authority to construct, maintain and operate a gas transmission and distribution system within the limits of said municipality, as the same now exists or may hereafter be extended and for said purpose there are hereby further granted to grantee the right, permission and authority during said period to lay, install, construct, maintain and operate in, under, upon, over, across and along all of the streets, alleys and public places within the present and future corporate limits of said municipality all mains, pipes, services, conduits and structures necessary or convenient for the furnishing, transmission, distribution and sale of gas whether artificial, natural, mixed or otherwise for lighting, heating, domestic, industrial and other uses, and for transmitting such gas into, through or beyond the limits of said municipality to other towns, cities and customers.

The right and authority herein granted shall continue for the period of 25 years from and after November 27, 2010; provided, however, that the Town Council reserves the right at the end of each five-year period from and after December 10, 2010, to renegotiate the provisions of this chapter

with the grantee, its successors or assigns, and in the event that such negotiations shall not have resulted in a mutually agreeable amendment to said chapter within a period of 90 days after the end of such five-year period, then and in such event, the municipality, through its Town Council, reserves the right to cancel this franchise by repeal of this chapter within 60 days following the said 90-day period. If no renegotiation is instituted by the Town Council within said 90-day period or if the franchise is not canceled within the 60-day period, this franchise shall continue in full force and effect. [Ord. 3, 2010, § 1.]

8.30.020 Facility installation.

All future mains, services, and pipes laid or installed under this grant shall be so located and laid, as nearly as practicable and in accordance with all requirements of governing bodies having jurisdiction over the same, as not to obstruct or interfere with any water pipes, drains, sewers or other structures already installed, and all future mains shall be installed subject to approval of the Town Council or its authorized representatives.

Grantee, in doing any work in connection with said mains, pipes and services shall avoid, so far as practicable, interfering with the use of any street, alley or public place, and where the paving or surface of any street, alley or public place is disturbed, grantee at its own expense and in a manner satisfactory to the authorized representatives of the municipality shall replace such paving or surface in as good condition as before such work was commenced.

If at any time hereafter said municipality shall lawfully elect to change or alter the grade of any street, alley or public place, or to construct new or additional water or sewer lines, grantee, upon being directed by resolution of the Mayor and Town Council of said municipality shall, where the same becomes necessary by reason of said change of grade or construction of water or sewer lines, move or relay its mains or service pipes; provided, that municipality shall confer with grantee and seek grantee's input during the initial planning and engineering phase of any change of grade or replacement or construction of lines, and municipality shall take reasonable steps to avoid or minimize the need for grantee to move or relay its mains or service pipes. Any facilities which must be re-

located will be at the grantee's sole cost and expense. [Ord. 3, 2010, § 2.]

8.30.030 Facilities used.

Grantee in the construction of said gas system within the limits of said municipality shall use tested and approved pipes, material and equipment, in accordance with industry standards and/or as directed and governed by the Wyoming Public Service Commission (WYPC) or other governmental regulatory body having jurisdiction over the same. [Ord. 3, 2010, § 3.]

8.30.040 Facility map.

Grantee at all times will keep a map in the office of grantee and deliver to the Clerk of the municipality and to the Department of Public Works a map showing the size and approximate location of its mains laid in said distribution system in said municipality. This map will be replaced each year with a revised map showing the new construction for the previous calendar year, if any. [Ord. 3, 2010, § 4.]

8.30.050 Indemnity.

Grantee shall be required, and by the acceptance hereof agrees, to save harmless said municipality from and against all lawful claims and demands, and from all loss and expense necessarily incurred as a result thereof, arising out of the negligence of grantee in the construction, removal, replacement, inspection or repair of any mains, pipes, services or appliances of grantee, or in the use and operation thereof during the term of this chapter. [Ord. 3, 2010, § 5.]

8.30.060 Franchise fee.

In consideration of the rights and privileges herein granted, the grantee shall pay to the Town Treasurer in quarterly payments for each year of the duration of this franchise, in an amount equal to two percent of the gross receipts derived quarterly by the grantee from sales of gas delivered to residential (commonly known as domestic) and commercial gas users within the Town of Byron, Wyoming. Payment shall be made on or before June 1st for the first quarter of said year, on or before September 1st for the second quarter of said year, on or before December 1st for the third quarter of said year, and on or before March 1st for the

last quarter of the preceding year. Each such payment shall be accompanied by a statement showing the total amount of the gross receipts upon the basis of which the computation for such payment was made.

Such payment shall be in lieu of any and all other fees, charges, licenses, taxes or assessments which the municipality may impose for the rights and privileges herein granted or for the privilege of doing business within the municipality and, in the event any such fee, charge, license, tax or assessment shall be imposed by the municipality, the payment to be made in accordance with the provisions of this section shall be refunded in an amount equal to the annual burden of such fee, charge, license, tax or assessment imposed upon the grantee. Ad valorem property taxes imposed generally upon all real and personal property within the municipality shall not be deemed to affect the obligation of the grantee under this section. [Ord. 3, 2010, § 6.]

8.30.070 Other governmental authority.

Subject to the municipality's rights in this franchise, this chapter and the respective rights and obligations of the parties hereunder are subject to all present and future valid governmental legislation or regulation of duly constituted authorities which have jurisdiction over this chapter, the parties, or any transaction hereunder. Notwithstanding the provisions of this chapter, the Town shall not have authority over grantee in the conducting of its business where authority exists and is vested in another governmental body or agency.

The Town of Byron does not waive any aspect of its sovereign immunity. [Ord. 3, 2010, § 7.]

8.30.080 Town of Byron rights in franchise.

(a) The right is hereby reserved by the Town to adopt, in addition to the provision herein contained and existing applicable ordinances, such additional regulations relative to this franchise as it shall find necessary in the exercise of its general police powers.

(b) The Town shall have the right, subject to the provisions of this franchise, to make such inspections of all construction and installation activities undertaken by the grantee within the Town as may be necessary to ensure compliance with this franchise and all applicable Town ordinances.

(c) In the case of unforeseen events, including but not limited to natural disaster, passage of federal, state or local legislation, or other factors affecting this franchise, the Town reserves the right to amend the terms hereof by ordinance, so long as such amendment does not conflict with another governmental body or agency having jurisdiction over grantee's business and operations. [Ord. 3, 2010, § 8.]

8.30.090 Anti-assignment.

The grantee shall not sell, assign, transfer, or convey this franchise agreement or any of its rights hereunder to any person, entity, organization, or firm without the approval of the Byron Town Council. No sale or transfer of any interest in this agreement or the franchise granted hereby shall be effective until the vendee, assignee or lessee, after approval by the municipality, has filed in the office of the Town Clerk, an instrument, duly executed, reciting the facts of such sale, assignment or lease, accepting the terms of the franchise, and agreeing to perform all the conditions thereof. Any attempted sale, conveyance, transfer, or assignment of any interest in this franchise in violation of this section shall render the franchise immediately voidable by the municipality. [Ord. 3, 2010, § 9.]

8.30.100 Nonexclusive.

The right to occupy said streets, alleys, public ways and places for the purposes herein set forth shall not be exclusive and the municipality reserves the right to grant a similar use of said streets, alleys, public ways and places to any person at any period of this franchise. [Ord. 3, 2010, § 10.]

8.30.110 Acceptance.

This chapter and the rights, authority and franchise herein and hereby granted shall terminate and be of no further force and effect unless, within 60 days after final passage of the ordinance codified in this chapter, grantee shall file with the Clerk of said municipality a written acceptance hereof. [Ord. 3, 2010, § 11.]

Chapter 8.40

TELECOMMUNICATIONS FRANCHISE

Sections:

- 8.40.010 Title.
- 8.40.020 Definitions.
- 8.40.030 Grant of authority.
- 8.40.040 Police power.
- 8.40.050 Indemnification.
- 8.40.060 Complaint procedure.
- 8.40.070 Construction and maintenance.
- 8.40.080 FCC rules applicable.
- 8.40.090 Franchise term.
- 8.40.100 Renewal procedure.
- 8.40.110 Forfeiture.
- 8.40.120 Surrender right.
- 8.40.130 Transfers.
- 8.40.140 Franchise fee.
- 8.40.150 Receiver sales prohibited.
- 8.40.160 Acceptance.
- 8.40.170 Severability.
- 8.40.180 Previous franchise terminated.
- 8.40.190 Favorable terms incorporated.

8.40.010 Title.

This chapter shall be known and may be cited as the “Telecommunications Franchise, 2011.” [Ord. 9, 2011, § 1.]

8.40.020 Definitions.

For the purpose of this chapter, and when not inconsistent with the context, words used herein in the present tense include the future; words in the plural include the singular and vice versa. The word “shall” is always mandatory. The captions supplied herein for each section are for convenience only. Said captions have no force of law, are not part of the section, and are not to be used in construing the language of the section. The following terms and phrases, as used herein, shall be given the meanings set forth below:

(a) “Town” is the Town of Byron, a municipal corporation under the laws of the State of Wyoming.

(b) “Grantee” is TCT West, Inc., a corporation organized and existing under the laws of the State of Wyoming, and it is the grantee of rights under this franchise.

(c) “Governing body” is the Mayor and Town Council of the Town of Byron or its designated representative.

(d) “Federal Communications Commission” or “FCC” is the present federal agency of that name as constituted by the Communications Act of 1984, as amended, and the Telecommunications Act of 1996, as amended, or any successor agency created by the United States Congress.

(e) “Person” is an individual, firm, partnership, association, corporation, company or organization of any kind.

(f) “Gross video subscription receipts” shall include the basic monthly service charges for cable television reception service, within the boundaries of the Town and based on the grant of authority in BTC 8.40.030, but shall not include moneys received as installation charges, charges for reconnection, inspection, repairs or modifications of any installation, or local, state or federal taxes or other fees relating thereto, or moneys received from:

(1) Sale of advertising time on cable channels;

(2) Rental or deposits on equipment of facilities;

(3) The furnishing of special programming not covered by the basic monthly service charge;

(4) The furnishing of other communications services, either by private contract or as a carrier, including by way of example, but not limited to, leasing of channels, burglar alarm, AM or FM radio broadcast, data transmission, information storage or retrieval, and facsimile reproduction services; and

(5) Any source other than directly from the carriage of television signals.

(g) “Regular subscriber services” shall include the carriage of broadcast signals and FCC mandated non-broadcast services, but shall not include “ancillary” or “auxiliary” services, which include but are not limited to advertising, leased channels, and programming supplied on a per program or per channel basis.

(h) “Gross telephone subscription receipts” shall include revenues derived from the sale of basic retail telephone service within the boundaries of the Town based on the grant of authority in BTC 8.40.030, but shall not include revenues derived from the sale of any ancillary or vertically offered or bundled telecommunications services, voice ser-

vices provided using Internet Protocol or any successor standard thereto, or any local, state, or federal taxes or other fees. [Ord. 9, 2011, § 2.]

8.40.030 Grant of authority.

There is hereby granted by the Town to the grantee the right and privilege to construct, erect, operate and maintain in, upon, along, across, above, over or under the streets, alleys, easements, public ways and public places now laid out or dedicated and all extensions thereof and additions thereto in the Town all poles, wires, cables, underground conduits, manholes and other conductors and fixtures necessary for the maintenance and operation in the Town of a telecommunications system for the transmission of video, voice and data communications, and other lawful services or signals, either separately or upon or in conjunction with any public utility maintaining the same in the Town, with all of the necessary and desirable appliances and appurtenances pertaining thereto. Without limiting the generality of the foregoing, this franchise and grant shall and does hereby include the right in, over, under and upon the streets, sidewalks, alleys, easements and public grounds and places in the Town to install, erect, operate or in any way acquire the use of, as by leasing or licensing, all lines and equipment necessary to provide cable television signals and other lawful services and the right to make connections to subscribers and the right to repair, replace, enlarge and extend said lines, equipment and connections. The rights herein granted for the purposes herein set forth shall not be exclusive, and the Town reserves the right to grant a similar use of said streets, alleys, easements, public ways and places to any person at any time during the period of this franchise. [Ord. 9, 2011, § 3.]

8.40.040 Police power.

The grantee shall at all times during the term of this franchise be subject to all lawful exercise of the police power of the Town. The right is hereby reserved to the Town to adopt, in addition to the provisions herein contained and any other existing applicable ordinances, such additional applicable ordinances as it shall find necessary in the exercise of its police power; provided, that such regulations shall be reasonable and not in conflict with the rights herein granted, the laws of the State of Wyo-

ming, the laws of the United States of America, or the rules of the Federal Communications Commission. [Ord. 9, 2011, § 4.]

8.40.050 Indemnification.

The grantee shall save the Town harmless from all loss sustained by the Town on account of any suit, judgment, execution, claim or demand whatsoever against the Town resulting from negligence on the part of the grantee in the construction, operation or maintenance of its telecommunications system in the Town; and for this purpose, the grantee shall carry property damage and personal injury insurance, with some responsible insurance company or companies qualified to do business in the State of Wyoming. The amounts of such insurance to be carried for liability due to property damage shall meet or exceed \$250,000 as to any one person and \$250,000 as to any one accident; and against liability due to injury to or death of persons, \$500,000 as to any one person and \$500,000 as to any one accident. The Town shall notify the grantee, in writing, within 10 days after the presentation of any claim or demand, either by suit or otherwise, made against the Town on account of any negligence as aforesaid on the part of the grantee. Where any such claim or demand against the Town is made by suit or other legal action, written notice thereof shall be given not less than five days prior to the date upon which an answer to such legal action is due or within 10 days after the claim or demand is made upon the Town, whichever gives the grantee the larger amount of time within which to prepare an answer. [Ord. 9, 2011, § 5.]

8.40.060 Complaint procedure.

The grantee shall maintain a business office in the Town or a toll-free telephone listing for the purpose of receiving inquiries and complaints from customers and the general public. The grantee shall investigate all complaints within five days of their receipt and shall in good faith attempt to resolve them swiftly and equitably. [Ord. 9, 2011, § 6.]

8.40.070 Construction and maintenance.

(a) All structures, lines and equipment erected by the grantee within the Town shall be so located as to cause minimum interference with the proper use of streets, alleys, easements and other public ways and places and to cause minimum interfer-

ence with the rights of reasonable convenience of property owners, and the grantee shall comply with all reasonable, proper and lawful ordinances of the Town now and hereafter in force.

(b) In case of any disturbance by the grantee of pavement, sidewalk, driveway or other surfacing, the grantee shall, at its own costs and expense and in a manner approved by the Town, with such approval not to be unreasonably withheld, replace and restore all paving, sidewalk, driveway or surface so disturbed in as useable condition as before said work was commenced.

(c) In the event that at any time during the period of this franchise the Town shall lawfully elect to alter or change any street, alley, easement or other public way requiring the relocation of the grantee's facilities, then in such event, the grantee, upon reasonable notice by the Town, shall remove, relay and relocate the same at its own expense; provided, however, that where federal or state funds are available for such relocation pursuant to law, at no cost or offset to the Town, the grantee shall not be required to pay the cost.

(d) The grantee shall, upon the request of any person holding a building moving permit issued by the Town, temporarily raise or lower its lines to permit the moving of the building. The expense of such temporary removal shall be paid by the person requesting the same, and the grantee shall have the authority to require such payment in advance.

(e) The grantee shall have the authority to trim trees upon and overhanging all streets, alleys, easements, sidewalks and public places of the Town so as to prevent the branches of such trees from coming into contact with the grantee's facilities.

(f) All poles, lines, structures and other facilities of the grantee in, on, over and under the streets, sidewalks, alleys, easements and public grounds or places of the Town shall be kept by the grantee at all times in a safe and substantial condition. [Ord. 9, 2011, § 7.]

8.40.080 FCC rules applicable.

This franchise is governed by and subject to all applicable rules and regulations of the Federal Communications Commission, specifically including Part 76, by the laws of the State of Wyoming and by various federal laws including, without limitation, the Cable Communications Policy Act of 1984, as amended by the Cable Television Con-

sumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, collectively at 47 U.S.C. Section 151 (2011) et seq., including without limitation 47 U.S.C. Section 253 (2011) and 47 U.S.C. Section 541 (2011). Should there be any modifications of the provisions of Section 76.31 of the Rules and Regulations of the Federal Communications Commission which must be incorporated into this franchise, the Town and the grantee agree that such incorporation shall be accomplished within one year after the effective date of the FCC's adoption of the modification or upon renewal of this franchise, whichever occurs first. [Ord. 9, 2011, § 8.]

8.40.090 Franchise term.

The franchise term shall be 10 years, so as to provide that the term of such franchise ordinance shall extend through December 13, 2021.

Notwithstanding any contrary provision, if the Town elects to review such franchise fee percentage, the Town shall provide grantee written notice, 90 days prior to year five during the 10-year term thereafter of this franchise, and shall renegotiate said fee percentage and said fee percentage, as mutually reestablished with grantee, shall thereafter be made effective 90 days after such renegotiation, and paid during the remainder of the franchise term. [Ord. 9, 2011, § 9.]

8.40.100 Renewal procedure.

The grantee shall have the option to renew this franchise for an additional period not to exceed 10 years, except the amount of the franchise fee provided for hereinafter may be modified by mutual agreement of the grantee and the Town. The parties may elect to renew this agreement pursuant to any applicable federal or state statute or other regulation, and specifically 47 U.S.C. Section 546. Alternatively, should the grantee desire to exercise this option, it shall so notify the Town, in writing, not less than three months prior to expiration of this franchise. Upon exercise of this option by the grantee, the Town shall conduct a full, open and public renewal proceeding upon prior notice and opportunity of all interested parties to be heard. The renewal proceeding shall be held for the sole purpose of considering the performance of the grantee under this franchise and any other factors deemed relevant in determining whether the per-

formance of the grantee has been satisfactory. Renewal shall not be unreasonably denied. If this franchise is renewed by the Town, all of the terms and provisions contained herein shall be controlling during the renewal period, except to the extent that said terms and provisions are modified by the Town or unless this franchise is superseded by a new franchise. [Ord. 9, 2011, § 10.]

8.40.110 Forfeiture.

If the grantee should violate any of the terms, conditions or provisions of this franchise or if the grantee should fail to comply with any reasonable provisions of any ordinance of the Town regulating the use by the grantee of the streets, alleys, easements or public ways of the Town, and should the grantee further continue to violate or fail to comply with the same for a period of 30 days after the grantee shall have been notified in writing by the Town to cease and desist from any such violation or failure to comply so specified, then the grantee may be deemed to have forfeited and annulled and shall thereby forfeit and annul all the rights and privileges granted by this franchise; provided, that such forfeiture shall be declared only by written decision of the governing body after an appropriate public proceeding before the governing body affording the grantee due process and full opportunity to be heard and to respond to any such notice of violation or failure to comply; and provided further, that the governing body may, in its discretion and upon a finding of violation or failure to comply, excuse the violation or failure to comply upon a showing by the grantee of mitigating circumstances. The grantee shall have the right to appeal any finding of violation or failure to comply and any resultant forfeiture to any court of competent jurisdiction. In the event that forfeiture is imposed upon the grantee, it shall be afforded a period of six months within which to sell, transfer or convey this telecommunications system to a qualified purchaser at fair market value. During this six-month period, which shall run from the effective date of the final order or decision imposing forfeiture, including any appeal, the grantee shall have the right to operate this telecommunications system pursuant to the provisions of this franchise. [Ord. 9, 2011, § 11.]

8.40.120 Surrender right.

The grantee may surrender this franchise at any time upon filing with the Town Clerk of the Town a written notice of its intention to do so at least three months before the surrender date. On the surrender date specified in the notice, all of the rights and privileges and all of the obligations, duties and liabilities of the grantee in connection with this franchise shall terminate. [Ord. 9, 2011, § 12.]

8.40.130 Transfers.

All of the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall pass to and be binding upon the successors of the Town and the successors and assigns of the grantee; and the same shall not be assigned or transferred without the written approval of the governing body, which approval shall not be unreasonably withheld; provided, however, that this section shall not prevent the assignment of the franchise by the grantee as security for debt without such approval; and provided further that transfers or assignments of this franchise between any parent and subsidiary corporation or between entities of which at least 50 percent of the beneficial ownership is held by the same person, persons or entities shall be permitted without the prior approval of the governing body. In the event this franchise is assigned by the grantee as security for debt, or is transferred or assigned to a parent or subsidiary corporation or to an entity in which at least 50 percent of the beneficial ownership is held by the same person, persons, or entities, the Town shall be notified, in writing, within 30 days after such assignment or transfer. [Ord. 9, 2011, § 13.]

8.40.140 Franchise fee.

In consideration of the terms of this franchise, the grantee agrees to pay the Town a sum of money equal to two percent of the grantee's gross video subscription receipts per year derived from regular subscriber service charges in the Town. If grantee exercises its grant of authority in BTC 8.40.030 and provides voice telephone service, it shall remit to the Town a sum equivalent to two percent of grantee's gross telephone subscription receipts per year. The annual sum shall be payable one-fourth thereof at the end of each quarterly period. The quarterly anniversary shall be the last day of March, June, September and December of each

year; and each quarterly payment shall be paid within 60 days thereafter. The fee set forth herein shall be in lieu of all other license fees or taxes levied upon the grantee by the Town, except ad valorem property taxes and special assessments for local improvements. [Ord. 9, 2011, § 14.]

8.40.150 Receiver sales prohibited.

As a condition of this franchise, the grantee agrees that it shall not engage in the business of sales or repair of television receivers owned by its subscribers, nor shall it be responsible for the operating conditions of said receivers; provided, however, that this section shall not apply to converters, decoders, home interactive terminals and other such devices as may be used in furnishing any programming or service via the grantee's cable television system. [Ord. 9, 2011, § 15.]

8.40.160 Acceptance.

This chapter when accepted by the grantee shall be and become a valid and binding contract between the Town and the grantee; provided, that the franchise granted by this chapter shall be null and void and of no force and effect whatsoever unless the grantee shall, within 90 days after the final passage of the ordinance codified in this chapter, file with the Town Clerk of the Town a written acceptance of this chapter and the franchise herein granted, agreeing that it will comply with all of the provisions and conditions hereof and that it will refrain from doing all of the things prohibited by this chapter. [Ord. 9, 2011, § 16.]

8.40.170 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any federal or state court or administrative or governmental agency of competent jurisdiction, specifically including the Federal Communications Commission, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, which can be given effect without the invalid provisions, and to that end the provisions of this chapter are deemed severable. Otherwise, this agreement reflects the complete and fully integrated agreement between the parties and supersedes all previous or incidental discussions,

negotiations, and agreements between the parties. [Ord. 9, 2011, § 17.]

8.40.180 Previous franchise terminated.

The Town and grantee acknowledge the existence, as of the date of the ordinance codified in this chapter, of communications facilities and the provision of various communications services with the Town and facilitated by occupancy of the Town's public ways. The Town and grantee hereby terminate or repeal any previous agreement or grant concerning such facilities or services. [Ord. 9, 2011, § 18.]

8.40.190 Favorable terms incorporated.

If during the term of this chapter or any extension of it, the Town grants a materially similar agreement, franchise or other grant to a third party containing a term or terms more favorable or less burdensome than those granted to the grantee in this chapter, this chapter shall be deemed modified to incorporate the more favorable or less burdensome terms. [Ord. 9, 2011, § 19.]

Title 9

STREETS AND SIDEWALKS

Chapters:

- 9.05 Sidewalks**
- 9.10 Marquees and Signs**
- 9.15 Parking**
- 9.20 Special Improvement Districts**
- 9.25 Excavation**

Chapter 9.05**SIDEWALKS**

Sections:

- 9.05.010 Permit required.
- 9.05.020 General dimension and material.
- 9.05.030 Location and slope.
- 9.05.040 Grade.
- 9.05.050 Driveways.
- 9.05.060 Maintenance.
- 9.05.070 Penalties for noncompliance.

9.05.010 Permit required.

No person shall construct, reconstruct or remove any sidewalk, curb, gutter or pavement upon any street within the Town of Byron without first having obtained a permit from the Town Clerk of the Town of Byron. [Prior code § 9-1-1.]

9.05.020 General dimension and material.

Sidewalks within the Town of Byron shall be constructed of portland cement concrete and shall be not less than three inches in thickness and 48 inches in width and shall have expansion joints every 16 feet of length and edging every 48 inches of length. [Prior code § 9-1-2.]

9.05.030 Location and slope.

Sidewalks shall be constructed next to and flush with the top of the curb and shall have a slope to the street of not less than one-half inch per 48 inches. [Prior code § 9-1-3.]

9.05.040 Grade.

The curb line shall be on a grade to be established by the Town Engineer or an engineer licensed in the State of Wyoming and shall be such that the street proper shall be not less than 33 feet wide. [Prior code § 9-1-4.]

9.05.050 Driveways.

Driveways across sidewalks shall be constructed in such a manner that the street entrance shall be on grade with the street level at the gutter and the property entrance shall be on grade with the sidewalk in all cases, so as to create as little obstruction to pedestrian traffic as possible. [Prior code § 9-1-5.]

9.05.060 Maintenance.

Sidewalks shall be maintained by the adjoining property owners in a good state of repair free from defects which are a hazard to the safety of pedestrian traffic. [Prior code § 9-1-6.]

9.05.070 Penalties for noncompliance.

Any person constructing a sidewalk or maintaining a sidewalk in a state of disrepair or which is defective and hazardous to the safety of pedestrian traffic, in violation of this chapter, may be required by the Town Council of the Town of Byron to remove the same and if the same be not removed within 10 days after receiving written notice to remove the same, the owner of the property facing said sidewalk shall be deemed guilty of a misdemeanor and shall be fined not less than \$1.00 nor more than \$750.00 per day for each day said sidewalk be not removed. [Prior code § 9-1-7.]

Chapter 9.10**MARQUEES AND SIGNS**

Sections:

- 9.10.010 Intrusion of marquees and signs into public highways prohibited.
- 9.10.020 Pre-existing structures exempted.
- 9.10.030 Permits.
- 9.10.040 Penalty.

9.10.010 Intrusion of marquees and signs into public highways prohibited.

No person, firm, company, corporation, or association shall permit, erect, or cause to be erected any awning, canopy, marquee, advertising sign or similar installation that extends into, over or across any primary, secondary, urban, or other classes of Federal-aid highway within the Town of Byron, Wyoming. All awnings, canopies, marquees, and advertising signs shall not be less than two feet behind the curb line with a minimum clearance of 10 feet from the sidewalk to the bottom of the sign. All supports, braces, guy wires or similar supporting devices shall not be in or on any established highway right-of-way. [Prior code § 9-2-1.]

9.10.020 Pre-existing structures exempted.

All awnings, canopies, marquees, advertising signs or similar installations which are in place prior to the date of this chapter, which are supported entirely from outside the highway right-of-way, may be permitted to remain under a revocable permit from the Town of Byron, Wyoming, in accordance with the limitation and restrictions contained therein, but subject, however, to complete compliance with this chapter in the event extensive repair or maintenance of such awnings, canopies, marquees, and advertising signs is instituted by the owner. [Prior code § 9-2-2.]

9.10.030 Permits.

Application for such permits must be made within 90 days after the passage of the ordinance codified in this chapter and failure to do so will cause any violation to be subject to the fines and penalties hereinafter set forth. [Prior code § 9-2-3.]

9.10.040 Penalty.

Any person or persons having or maintaining any structure in violation of this chapter may be required by the Town Council of the Town of Byron to remove the same, and the person or persons in violation of said chapter shall be guilty of a misdemeanor and shall be fined not less than \$1.00 nor more than \$750.00 per day for each day that said structure is not removed or otherwise placed in compliance with this chapter. [Prior code § 9-2-4.]

Chapter 9.15**PARKING**

Sections:

- 9.15.010 Time limits for vehicles.
- 9.15.020 Time limits for obstructions.
- 9.15.030 Penalty for violation.
- 9.15.040 Impoundment.
- 9.15.050 No parking areas.

9.15.010 Time limits for vehicles.

No motor vehicle, truck, trailer, house trailer, or any other vehicle shall be left parked or standing on any highway, street or alley within the municipality for a period of time longer than three days after being notified in writing by the Town Clerk to remove such motor vehicle, truck, trailer, house trailer or any other vehicle from the highways, streets and alleys of the municipality. [Prior code § 9-3-1.]

9.15.020 Time limits for obstructions.

No person shall have, keep or maintain any obstruction upon any highway, street or alley within the municipality for a period of time longer than three days after being notified in writing by the Town Clerk to remove such obstruction from the highways, streets and alleys of the municipality. [Prior code § 9-3-2.]

9.15.030 Penalty for violation.

Any person found guilty of violating or failing to comply with this chapter shall be deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$5.00 nor more than \$750.00 plus cost of prosecution. [Prior code § 9-3-3.]

9.15.040 Impoundment.

Any motor vehicle, truck, trailer, house trailer or any other motor vehicle parked or left standing upon any highway, street, or alley in violation of BTC 9.15.010 or 9.15.050 or any other obstruction kept or maintained upon any highway, street or alley in violation of BTC 9.15.020 may be impounded by a Town Police Officer and removed to the nearest garage or other place of safety, and such vehicle or article constituting such obstruction may be reclaimed by its owner upon payment

of all costs incurred in removal, preservation and storage of such vehicle or article. [Prior code § 9-3-4.]

9.15.050 No parking areas.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a Police Officer or traffic-control device, in any of the following places:

- (a) On a sidewalk;
- (b) In front of any public or private driveway;
- (c) On a crosswalk;
- (d) Upon any bridge or other elevated structure upon a highway;
- (e) Within an intersection;
- (f) Within 10 feet of any fire hydrant;
- (g) In any lane of traffic;
- (h) Along any curb which has been painted yellow;
- (i) In any other area which has been designated and marked by the Town of Byron as a "No Parking" zone. [Prior code § 9-3-5.]

Chapter 9.20

SPECIAL IMPROVEMENT DISTRICTS

Sections:

- 9.20.010 Special improvement district for street paving.

9.20.010 Special improvement district for street paving.

The Town Council for the Town of Byron has adopted a resolution declaring the intention of the Town Council to create a Special Improvement District No. 1 within the Town for the construction and installation of street paving, together with necessary appurtenances, and providing for a hearing on the creation of the District and publication and mailing of notice of hearing, which Resolution 1987-SID No. 1-P was duly passed at a meeting of the Town Council on the fifteenth day of October, 1987. Notice of the resolution of intention was published in a newspaper of general circulation within the County on October 22, 1987, and notice was mailed to the individual landowners on or about October 23, 1987. A hearing for purposes of considering objections and remonstrances to the proposed Special Improvement District was held on the tenth day of November, 1987, at the Town Hall at 8:00 p.m. At that hearing there were written objections that had been filed with the Town Clerk which represented objections of owners owning less than 50 percent of the area of the property proposed to be subject to assessment. At the hearing on November 10, 1987, the Town Council listened to and considered the objections made by those in attendance as well as those made in writing and the reasons for the objections were discussed and possible revisions were considered, after which the Town Council determined it would be in the best interests of the Town of Byron to proceed with the special improvement district as originally proposed.

The Town of Byron shall proceed with the improvements described below and the engineer hired by the City, for purposes of this project, is directed to prepare plans and specifications therefor.

The character and kind of improvements and streets on which such improvements will be constructed and installed shall be as follows:

The street paving shall be constructed with two-inch crushed gravel base, a three-inch asphalt surface 24 feet in width except for Center Street, which shall be 30 feet in width.

The boundaries of the proposed special improvement district, which is within the Town limits of Byron, Wyoming, shall be as follows:

Beginning at a point being the southwest corner of Block 1, Town of Byron, Wyoming; thence in a westerly direction 66 feet to the southeast corner of Block 2; thence in a northerly direction along the west line of Section Street East 269 feet to the south line of an alley running east-west; thence along the south line of said alley in a westerly direction 285.5 feet; thence in a northerly direction 304 feet to a point on the south line of Third Street North; thence along the south line of Third Street North in a westerly direction 2,229.5 feet to the northwest corner of Block 5; thence in a westerly direction 216 feet; thence in a southerly direction and parallel to Second Street West 2,916 feet; thence in an easterly direction 216 feet to the northwest corner of Block 29; thence along the east line of Second Street West in a southerly direction 273 feet to the southwest corner of Block 29; thence along the boundary marking the south line of Blocks 29, 28, 22, 23 and 19 to the southeast corner of Block 19; thence N. 71°13'47" E. 69.71 feet to a point on the east line of Third Street East; thence in an easterly direction 150 feet; thence in a northerly direction and parallel to Third Street East 670 feet; thence in a westerly direction 216 feet to the northeast corner of Block 18; thence in a northerly direction along the west line of Third Street East 370.7 feet to the south line of an alley running east-west through Block 11; thence in a westerly direction along the south line of said alley 285.5 feet; thence in a northerly direction 946.25 feet to a point located on the south line of Second Street North; thence in a westerly direction along the south line of Second Street North 285.5 feet to the northwest corner of Block 10; thence in a northerly direction 66 feet to the southwest corner of Section 1 and the point of beginning.

The following streets or parts thereof situated within those boundaries are proposed to be improved:

Second Street North, First Street North, First Street South, Second Street South, Second Street West, First Street West, Center Street, First Street East, Second Street East, Third Street East.

All property within the boundaries of the improvement district shall be assessed on a square foot basis so that the total assessment against each piece of property shall be in proportion to the total square foot area of the property. [Prior code § 9-4-1.]

Chapter 9.25

EXCAVATION

Sections:

Article I. Permits

- 9.25.010 Permits required.
- 9.25.020 Application for permit – Contents.
- 9.25.030 Applications – To whom submitted.
- 9.25.040 Applications – Review and consideration.
- 9.25.050 Form of permit.
- 9.25.060 Authority of permit.
- 9.25.070 Permits and fees.
- 9.25.080 Denial of permit – Review.

Article II. Standards of Construction

- 9.25.090 Application of standards.
- 9.25.100 General conditions.
- 9.25.110 Protection of adjoining property.
- 9.25.120 Protection of watercourses.
- 9.25.130 Clean up.
- 9.25.140 Open trenches – Limitations.
- 9.25.150 Street cut repairs.
- 9.25.160 Noise, dust and debris.
- 9.25.170 Preservation of monuments and property markers.
- 9.25.180 Access of inspection and testing.
- 9.25.190 Trench detail.
- 9.25.200 Fees for street cuts.

Article III. Enforcement and Penalties

- 9.25.210 Persons liable.
- 9.25.220 Penalty.
- 9.25.230 Nature of offense.
- 9.25.240 Exception for Town personnel.

Article I. Permits

9.25.010 Permits required.

No utility or other above or underground structure, repair work, construction or excavation shall be performed within any public way or dedicated easement or right-of-way of the Town unless a permit has first been obtained therefor; provided, however, that in the event of emergency during

hours when the Town offices are not open, work may be done to the extent required in order to meet the emergency, and the party doing the work shall obtain a permit therefor promptly upon the next business day of the Town. [Prior code § 9-5-1.]

9.25.020 Application for permit – Contents.

Applications for permits shall include site plans, engineering plans and specifications including such additional data as may be required by the Street Commissioner. [Prior code § 9-5-2.]

9.25.030 Applications – To whom submitted.

All applications for permits shall be submitted to the Street Commissioner. [Prior code § 9-5-3.]

9.25.040 Applications – Review and consideration.

The Town Council shall evaluate and determine all applications for permits under this chapter giving consideration to possible hazards and risks of the proposed construction and all other applicable ordinances and policies of the Town. [Prior code § 9-5-4.]

9.25.050 Form of permit.

The permit shall be on a form provided by the Town with any conditions or exceptions not otherwise stated in this chapter set forth in writing in the permit. The right-of-way permit shall be a unique and binding agreement between the permittee and the Town of Byron. Said permittee shall be a bona fide representative of the firm or person to whom the permit is issued or delegated representative. Said right-of-way permit shall confer the privilege of performing the work expressed in writing on the permit and complete such expressed work within and in compliance with the terms of the right-of-way permit standards. [Prior code § 9-5-5.]

9.25.060 Authority of permit.

A permit granted pursuant to this chapter shall confer upon the permittee the privilege of performing the work expressed in writing upon such permit and to complete such work within and in compliance with the terms of the permit and all other applicable ordinances and policies of the Town. [Prior code § 9-5-6.]

9.25.070 Permits and fees.

For each permit issued pursuant to this chapter the permittee shall pay a fee to the Town in the amount of \$10.00. [Prior code § 9-5-7.]

9.25.080 Denial of permit – Review.

A request for review may be made by the applicant and shall be in writing within five days after the determination by the Town which the applicant desires to appeal. Such review shall be made by the Town Council of the Town in accordance with the Wyoming Administrative Procedure Act and any informalities thereof may be waived by the applicant. [Prior code § 9-5-8.]

Article II. Standards of Construction

9.25.090 Application of standards.

All work performed within the area of a public way or a dedicated easement or right-of-way shall conform to the latest standards and specifications adopted by the Town, and to such additional requirements as may from time to time be deemed by the Town to be reasonable or necessary. [Prior code § 9-5-9.]

9.25.100 General conditions.

The following general conditions shall control construction projects or work in, upon or under roads, streets, alleys, sidewalks or other public ways or within dedicated easements or rights-of-way within the Town:

(a) Proper equipment and qualified personnel shall be used in the performance of the work.

(b) The work shall be limited to work that has been authorized and permitted to be done.

(c) All trenches shall be worked diligently until backfilled.

(d) All construction and work shall conform to Town specifications in effect at the time of issuance of the permit and to any other requirements imposed by the Street Commissioner and stated on the permit.

(e) Utility lines shall be laid in as straight a line vertically and horizontally as possible, parallel to adjacent property lines so as to minimize injury to utility lines resulting from subsequent work within the area for which the permit is granted.

(f) Work sites shall be provided with proper signs, barricades and lighting at all times to provide

safety for the traveling public, pedestrians and for the protection of private property.

(g) When street closures are permitted by the Street Commissioner, areas within the public right-of-way shall be kept clear for public travel.

(h) Private property shall be kept free of debris.

(i) Upon completion of the work the permittee shall clean the project area, leaving it in a condition as good or better than it was in before the work began, and to the satisfaction of the Street Commissioner.

(j) No public way shall be closed to public use except by express permission of the Street Commissioner and with at least 24 hours' advance notice of such closure, or with the consent of the Town Council upon special occasions. During the period of such closure the permittee shall provide such access as may be necessary for the conveyance of any emergency vehicle, equipment or personnel. The Town Council shall specify any special limitations upon closure allowed for special occasions. The permit requirements set forth in Chapter 9.15 BTC shall not apply to closures for special occasions in this subsection. Closures for special occasions shall be granted by special resolution of the Town Council.

(k) Prior to any street closure or any construction or activity of any nature that may hinder or delay the function of any emergency vehicle, equipment or personnel, the permittee shall give notice to local emergency services.

(l) Before beginning any work within a public way or dedicated Town right-of-way or easement the permittee shall notify the owners of all utility lines or other structures upon or adjacent to such area in order to minimize damage and inconvenience to persons or property.

(m) Damage to Town property shall be repaired at the sole expense of the permittee. Such repairs shall be in complete compliance with the specifications and requirements of the Town.

(n) In the event that any public hazard including any emergency shall occur and be caused by the activity of the permittee, in the sole judgment of the Town, the Town shall attempt to notify the permittee, and the permittee shall respond immediately with such actions or repairs deemed necessary by the Town. In the event that the permittee cannot be located immediately under such circumstances, the Town may perform such repairs

or actions or have them performed as may be necessary in the sole judgment of the Town to eliminate the hazard and the cost shall be assessed to the permittee.

(o) Upon completion of the work for which the permit is issued the permittee shall continue to be responsible for site maintenance and repair for the period of one year thereafter.

(p) Neither certification of completion by signature on permit by any Town employee, nor the acceptance of the work nor the approval of the work shall exempt the permittee of liabilities and warranties herein set forth.

(q) The permittee shall further hold the Town harmless and indemnify the Town from any liability whatsoever for damage to person or property that may result to the Town or to any other party whatsoever, including the permittee and its personnel and employees arising directly or indirectly as a result of the activities of the permittee performing the work authorized by the permit and in fulfilling the obligations, duties and responsibilities of the permittee in connection therewith, notwithstanding pre-existing site conditions contributing thereto. [Prior code § 9-5-10.]

9.25.110 Protection of adjoining property.

The permittee shall at all times, at its own expense, preserve and protect from injury any adjoining property by providing proper foundations for construction within the area for which the permit is granted and taking other measures suitable and necessary for such purpose. If it is necessary for the permittee to enter upon private property for the purpose of taking appropriate measures for the protection of such private property, the permittee shall obtain permission of the occupant of the property. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the progress of the work and shall be responsible for all damage to public and private property resulting directly or indirectly from its work pursuant to the permit. If it is necessary for the permittee to trench through any lawn area, said area shall be reseeded, or the sod shall be carefully cut and rolled in place after ditches have been backfilled. All construction and maintenance shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as pos-

sible to that which existed before such work began, including the replacement of soil. The permittee shall not remove, even temporarily, any trees or shrubs or other vegetation existing in the work area without first obtaining the consent of the person having control over such property. [Prior code § 9-5-11.]

9.25.120 Protection of watercourses.

The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line. Whenever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained. When no gutter exists, the flow line for natural drainage at the street edge shall be maintained and restored to its original condition. The permittee shall make provisions to take care of all surplus water, muck, silt, or other runoff pumped from excavations or resulting from sluicing or other operations. The permittee while pumping water from a site and discharging any of the above listed materials, shall provide a settling basin or box with adequate capacity to entrap all silt, sand or other materials. [Prior code § 9-5-12.]

9.25.130 Clean up.

As the work progresses the area shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All clean up operations at the location of such excavation shall be performed at the expense of the permittee, and shall be completed to the satisfaction of the Street Commissioner. From time to time, as may be ordered by the Street Commissioner, and in any event immediately after completion of said work, the permittee shall at its own expense clean up and remove all refuse and unused materials of any kind resulting from said work, and upon failure to do so within 24 hours after having been notified in writing to do so by the Street Commissioner, said work may be done or contracted by the Town, and the cost of said clean up charged to the permittee. [Prior code § 9-5-13.]

9.25.140 Open trenches – Limitations.

The maximum length of open trench permissible at any time shall be specified by the Street Commissioner and no greater length shall be open

for pavement removal, excavation, construction, backfilling, patching or any other operations without the express written permission of the Street Commissioner. [Prior code § 9-5-14.]

9.25.150 Street cut repairs.

The permittee shall be responsible for restoring any pavement, curb, sidewalk or any other structure removed or damaged during the course of trenching activity, in accordance with the specifications ordered by the Town, to its original condition or better. The permittee may be required by the Maintenance Supervisor to place temporary patches or repairs as necessary to restore the traveled way during periods of the winter or during weather conditions which will not allow permanent repairs. Where extensive trench activity will be performed and the permittee wishes to delay permanent repairs until final stages of the project, the Maintenance Supervisor may require temporary surface repairs. In any case of street cuts, the permittee shall be required to backfill such cut and provide at least a temporary surface repair within 24 hours of opening such cut in any street unless otherwise allowed by the Maintenance Supervisor. Upon backfilling any street cut and allowing access to such area by the public, the surface of such cut shall be kept in a maintained condition by the permittee until permanently restored. A temporary repair shall be of any material which does not become unstable from common use of the particular area and provides a surface smoothness consistent with posted vehicle speed, and does not constitute a hazard to the public. A “maintained surface” is a surface prepared and maintained suitably for the safe passage of vehicles, pedestrians, or other public use as allowed by conspicuous posting of signs in accordance with the requirements of the Maintenance Supervisor.

The top layer of the base along the shoulder of the pavement shall be removed and set aside and saved for reuse before digging. The large rocks shall be covered while backfilling, and the trench shall be compacted at 12-inch lift at 95 percent. The top layer shall be restored to its original condition. A “maintained surface” shall be defined as a surface brought to a condition suitable for the passage of vehicles, pedestrians, or other public use, as allowed by conspicuous posting of signs in accordance with the requirements of the Maintenance

Supervisor, whereby the surface shall be maintained by the permittee in such a way that it will not pose a hazard or cause damage to vehicles, pedestrians, or other public use. [Ord. 25, 2000, § 1; prior code § 9-5-15.]

9.25.160 Noise, dust and debris.

Each permittee shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee in the performance of the work shall take appropriate measures to minimize noise, dust and unsightly debris. Between the hours of 10:00 p.m. and 7:00 a.m., the permittee shall not use, except with the express written permission of the Street Commissioner or in case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep of occupants of the neighboring property. Where any activity results in the depositing of debris in such a way as to constitute a hazard or annoyance to the public or become a threat to any Town property, the permittee shall immediately remove such debris and desist from any further action which would cause the depositing of debris to continue, unless otherwise authorized by the Street Commissioner. [Prior code § 9-5-16.]

9.25.170 Preservation of monuments and property markers.

Any monument or property marker set for the purpose of locating or preserving the lines of any street, subdivision, or a precise survey reference point, or a permanent survey bench mark within the Town, shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the Town Engineer. Permission to remove or disturb such monuments, reference points or bench marks shall only be granted upon the condition that the person applying for such permission shall pay all expenses incidental to the proper replacement thereof. After written permission is granted, four tangent ties referencing the survey marker shall be recorded as authorized by the Town Engineer, for the purpose of replacement of the survey marker. Bench marks or other elevation markers whether temporary or permanent shall be protected by the permittee and may only be destroyed by permission of the Town Engi-

neer, in which case the permittee shall be responsible for the replacement of such elevation marker. The replacement of the elevation marker shall be performed in accordance with the requirements of the Town Engineer at the sole expense of the permittee. [Prior code § 9-5-17.]

9.25.180 Access of inspection and testing.

The Town shall have the right of access for the purpose of observation, inspection, testing and any other enforcement measure necessary for the administration of applicable Town ordinances and policies. The permittee shall be required to provide such excavation or access as is necessary to allow measurement or testing of the quality of work being performed. [Prior code § 9-5-18.]

9.25.190 Trench detail.

Unless otherwise ordered by the Street Commissioner typical trench detail specifications shall be as follows:

(a) Class A Streets.

(1) The finish course of all paved streets will be cut out to a 10-foot width and laid to a compacted depth one inch deeper than the pavement being replaced, but not in any event less than two inches, with a paving machine in all instances in which pavement is required to be placed for trenches or other excavations of any kind or for placement of edges next to curb and gutter projects, except that, in the case of small holes and short, narrow trenches, the Street Commissioner may approve other procedures which, in his judgment, are sufficient to meet standards for compaction and other specifications and requirements applying to street construction.

(2) The asphalt to be used is AC-10 asphalt.

(3) Leveling course will be two inches of three-quarters maximum crushed gravel, compacted to 95 percent, can be placed in one lift.

(4) Road base course will be either five inches of one-and-one-half or two-inch maximum crushed gravel or seven inches of pit run gravel compacted to 95 percent, can be placed in one lift.

(5) All remaining backfill material will be to Town specifications with a compaction of 95 percent.

(6) All backfill material around vaults will be one-and-one-half inch or two inch maximum

crushed gravel, compacted to 95 percent, following type A trench backfill detail.

(7) All cost of compaction testing will be paid by permittee. All compaction tests will be provided by permittee throughout all stages of construction.

(8) All cuts in asphalt on streets or alleys shall be saw or colter cuts except small areas which may be cut with a jack hammer with asphalt cutter blades.

(b) Type A Trench Backfill. Materials used for bedding and backfill shall be carefully deposited in layers suitable to the equipment used for compaction, wetted to optimum moisture content, and compacted to at least the density of 95 percent compaction. The layers are not to exceed 12 inches in depth.

(c) The top base of the street shall be removed and preserved before digging. Large rocks shall be buried during backfilling, and the trench shall be compacted at 12-inch lift at 95 percent. The top base shall be restored to its original condition.

(d) The Town Street Commissioner shall be notified and given the opportunity of inspection prior to the commencement of each stage of construction. [Prior code § 9-5-19.]

9.25.200 Fees for street cuts.

Fees shall be imposed for any work performed by the Town to cut any Town street or road surface, including any work pertaining to any underground utilities or irrigation unless otherwise excluded herein. These fees shall be imposed upon the permittee by the Town for street or road cuts in accordance with the following minimum charges:

Gravel Surface	\$0.50 per square foot
Road Mix	\$1.30 per square foot
Hot Mix Oil	\$2.50 per square foot
Concrete	\$80.00 for 50 square feet or less; the excess over 50 square feet at \$4.50 per square foot.

The charges herein specified are minimal charges subject to increase from time to time by the Town Council and as may be required to pass on to the permittee any additional expenses caused by either rising material costs or by unusual conditions.

The charges herein specified do not apply to any work performed or materials furnished by the Town and related to permits issued pursuant to BTC 8.05.230 or 8.10.010. [Ord. 2, 2011 § 1; prior code § 9-5-20.]

Article III. Enforcement and Penalties

9.25.210 Persons liable.

Any violation by a permittee of any obligation imposed by the provisions of this title shall be deemed to have been committed by the permittee as well as any other person in whose behalf the work is done or in whose behalf the permit is taken. [Prior code § 9-5-21.]

9.25.220 Penalty.

Any person who shall violate any provision of this chapter shall upon conviction thereof be fined not more than \$750.00 for each such offense, to which shall be added the cost of prosecution. [Prior code § 9-5-22.]

9.25.230 Nature of offense.

Nonconformance with the provisions of this chapter shall be considered to be a violation punishable as provided in BTC 9.25.220, even though such violation may occur as a result of a failure to perform an obligation required to be performed by this chapter as well as doing any act prohibited by this chapter. [Prior code § 9-5-23.]

9.25.240 Exception for Town personnel.

The provisions of this title shall not be applied to Town personnel acting in the course of their employment with the Town. [Prior code § 9-5-24.]

Title 10

VEHICLES AND TRAFFIC

Chapters:

10.05 Traffic

Chapter 10.05

TRAFFIC

Sections:

- 10.05.010 Uniform Act Regulating Traffic on Highways adopted.
- 10.05.020 Exceptions.
- 10.05.030 Definitions.
- 10.05.040 Driving while under the influence of alcohol – Unlawful.
- 10.05.050 Signs prohibiting or restricting parking.
- 10.05.060 Violation of chapter to constitute misdemeanor – Penalty.
- 10.05.070 Arrest procedures – Appearance before Judge – Citations.
- 10.05.080 Traffic citations – When required – Contents – When permissible.
- 10.05.090 Traffic citations – Appearance.
- 10.05.100 Traffic citations – Forms.
- 10.05.110 Traffic citations – Disposition – Records.
- 10.05.120 Traffic citations – Illegal cancellation – Audits – Annual publication.
- 10.05.130 Traffic citations – When deemed lawful complaint.
- 10.05.140 Operating a motor vehicle with a suspended, cancelled or revoked driver’s license.
- 10.05.150 Permitting unauthorized persons to drive.
- 10.05.160 Requiring operator of motor vehicle to maintain liability insurance.
- 10.05.170 *Repealed.*
- 10.05.180 Motor vehicle operation.
- 10.05.190 U-turns.
- 10.05.200 Speed limits established.
- 10.05.210 Display of State license plates.

10.05.010 Uniform Act Regulating Traffic on Highways adopted.

(a) The Uniform Act Regulating Traffic on Highways as adopted by the State of Wyoming, Session Laws of 1955, Chapter 255, and set forth in W.S. 31-5-101 through 31-5-1214, 1977, together with such revisions and amendments as may now or hereafter be approved and adopted by the State of Wyoming is hereby enacted and made a part hereof by this reference, the same as though

incorporated herein at length, with the exceptions hereinafter set forth.

(b) One copy of the provisions of the Uniform Act Regulating Traffic on Highways which are hereby adopted by reference shall be kept on file in the office of the Town Clerk, where such copy shall be available for inspection by the public during normal office hours. [Prior code § 10-1-1.]

10.05.020 Exceptions.

The following provisions of said uniform act regulating traffic on highways are excepted from this chapter and are not adopted as a part hereof:

- Section 8, being W.S. 31-5-109, 1977;
- Section 11, being W.S. 31-5-113, 1977;
- Section 12, being W.S. 31-5-114, 1977;
- Section 37, being W.S. 31-5-302, 1977;
- Section 32, being W.S. 31-5-1113, 1977;
- Section 147, being W.S. 31-5-1201, 1977;
- Section 150, being W.S. 31-5-1204, 1977;
- Section 156, being W.S. 31-5-1210, 1977;
- Section 158(B) and (C), being W.S. 31-5-1212(B) and (C), 1977;
- Section 160, being W.S. 31-5-1214, 1977;
- W.S. 31-5-233, 31-5-502, 31-5-501, 31-5-1001, 31-5-1002, 31-5-1004, 31-5-1005, 31-5-1116, all not being enacted as part of said Uniform Act Regulating Traffic on Highways. [Prior code § 10-1-2.]

10.05.030 Definitions.

(a) In place of the definition of local authorities set forth in subparagraph g(2) of Section 1 of said Uniform Act Regulating Traffic on Highways, being W.S. 31-5-102, 1977, when used in this section the phrase “local authorities” shall for the purpose of this section be the Mayor and Town Council of the Town of Byron, Wyoming.

(b) As used in this section and throughout the Uniform Act Regulating Traffic on Highways as herein adopted, the words “street,” “highway,” “roadway,” and “alley,” being the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(c) Whenever used in this section and particularly in Section 151 of said Uniform Act Regulating Traffic on Highways, being W.S. 31-5-1205, 1977, the term “Justice of the Peace” shall mean the Police Justice of the Town of Byron and the

term “court” shall mean the Municipal Court of the Town of Byron, Wyoming. [Prior code § 10-1-3.]

10.05.040 Driving while under the influence of alcohol – Unlawful.

(a) It is unlawful for any person who is under the influence of intoxicating liquor, to a degree which renders them incapable of safely driving a motor vehicle, to drive or have actual physical control of any vehicle within the Town.

(b) Upon trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person’s blood at the time alleged as shown by chemical analysis of the person’s blood, urine, breath or other bodily substance shall give rise to the following presumptions:

(1) If there was at the time five one-hundredths of one percent or less by weight of alcohol in the person’s blood, it shall be presumed that the person was not under the influence of intoxicating liquor;

(2) If there was at the time in excess of five one-hundredths of one percent but less than 10 one-hundredths of one percent by weight of alcohol in the person’s blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such facts may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor to a degree which renders him incapable of safely driving a motor vehicle;

(3) If there was at the time 10 one-hundredths of one percent or more by weight of alcohol in the person’s blood, it shall be presumed that the person was under the influence of intoxicating liquor to a degree which renders him incapable of safely driving a motor vehicle;

(4) Percent by weight of alcohol in the blood shall be based upon the grams of alcohol per 100 cubic centimeters of blood;

(5) The foregoing provisions of this subsection shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.

(c) It is unlawful for any person who is under the influence of any controlled substance or under the combined influence of alcohol and any controlled substance, to a degree which renders him or her incapable of safely driving a vehicle, to drive a vehicle within the Town. The fact that any person charged with a violation of this subsection is or has been entitled to use the controlled substance under the laws of the State shall not constitute a defense against any charge of violating this subsection.

(d) Any person convicted of violating this section is punishable by imprisonment for not more than six months or a fine for not more than \$750.00. On a subsequent conviction within five years after a conviction for a violation of this section, or any similar State statute, he or she shall be punished by imprisonment for not less than seven days nor more than six months and shall not be eligible for probation, pardon, parole, commutation or suspension of sentence or release on any other basis until he or she has served at least seven days in jail. In addition, the person may be fined not less than \$200.00 nor more than \$750.00. The Judge may suspend part or all of the discretionary portion of an imprisonment sentence under this subsection if the defendant agrees to pursue and completes an alcohol education or treatment program as prescribed by the Judge.

(e) The Court may, upon pronouncement of any jail sentence under subsection (d) of this section, provide in the sentence that the defendant may be permitted, if he is employed or enrolled in school and can continue his employment or education, to continue such employment or education for not more than the time necessary as certified by his employer or school administrator, and the remaining day, days or parts of days shall be spent in jail until the sentence is served. He shall be allowed out of jail only long enough to complete his actual hours of employment or education and a reasonable time to travel to and from the place of employment.

(f) Any person convicted under this section, in addition to the penalty imposed, shall have his driver’s license suspended or revoked pursuant to W.S. 31-7-127 or 31-7-128. The Court shall forward to the Department of Transportation a copy of the record pertaining to disposition of the arrest or citation.

(g) Any person charged under this section shall be prosecuted under this chapter and not under a reduced charge or dismissed unless the prosecuting attorney in open court moves or files a statement to reduce the charge or dismiss, with the supporting fact, stating that there is insufficient evidence to sustain the charge.

(h) Chemical analysis of a person's blood, breath or urine to determine alcohol concentration or controlled substance content shall be performed in accordance with the applicable State law. [Ord. 10-1-4, 1995; prior code § 10-1-4.]

10.05.050 Signs prohibiting or restricting parking.

The Mayor and Town Council of the Town of Byron may place signs prohibiting or restricting the parking of vehicles where, in its opinion as evidenced by resolution or order, such parking is dangerous to those using the highway or where the parking of vehicles will unduly interfere with the free movement of traffic thereon. Such signs will be official signs and it shall be unlawful for any person to willfully park a vehicle in violation of the restrictions stated on such signs. [Prior code § 10-1-5.]

10.05.060 Violation of chapter to constitute misdemeanor – Penalty.

(a) It is a misdemeanor for any person to violate any of the provisions of this chapter.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall upon conviction thereof be punished by a fine of not more than \$750.00.

(c) Whenever any other provisions of this chapter shall provide any other or different penalty, which may not be within the jurisdiction of the Municipal Court of the Town of Byron, such penalty shall be such as in subsection (b) of this section provided. [Prior code § 10-1-6.]

10.05.070 Arrest procedures – Appearance before Judge – Citations.

(a) Whenever a person is arrested for any violation of this chapter, the authority of a Police Officer to make an arrest is the same as upon an arrest for a felony when the Officer has reasonable and probable grounds to believe that the person

arrested has committed any of the following offenses:

(1) Negligent homicide or homicide by vehicle.

(2) Driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or any controlled substance as prohibited by BTC 10.05.040.

(3) Failure to stop, failure to give information, or failure to render reasonable assistance in the event of an accident resulting in death or personal injuries as prescribed in W.S. 31-5-1101 and 31-5-1103.

(4) Failure to stop or give information in the event of any accident resulting in damage to a vehicle or to fixtures or other property legally upon or adjacent to a highway as prescribed in W.S. 31-5-1102, 31-5-1104, and 31-5-1105.

(5) Reckless driving.

(b) Whenever any person is arrested as authorized in this section, he shall be taken without unnecessary delay before Court as specified in BTC 10.05.080(g), except that in the case of either of the offenses designated in subsections (a)(4) and (5) of this section, a Police Officer shall have the same discretion as is provided in other cases in subsection (d) of this section.

(c) Whenever any person is halted by a Police Officer for any violation of this chapter, he shall be taken without unnecessary delay before the proper court as specified in BTC 10.05.080(g), in any of the following cases:

(1) When the person demands an immediate appearance before a Judge; or

(2) In any other event when the person is issued a traffic citation by a Police Officer and refuses to give his written promise to appear in court as hereinafter provided.

(d) Whenever any person is halted by a Police Officer for any violation of this chapter and is not required to be taken before a court as hereinbefore provided, the person shall, at the discretion of the officer, either be given a traffic citation or be taken without unnecessary delay before the proper Judge, as specified in BTC 10.05.080(g), in any of the following cases:

(1) When the person does not furnish satisfactory evidence of identity or when the Officer has reasonable and probable grounds to believe the

person will disregard a written promise to appear in court.

(2) When the person is charged with a violation of W.S. 31-5-960, relating to vehicles transporting explosives.

(e) All of the provisions of this section apply both to residents and nonresidents of this State, except the special provisions in this section which shall govern in respect to nonresidents under the circumstances hereinafter stated:

(1) A Police Officer at the scene of a traffic accident may arrest without a warrant any driver of a vehicle who is a nonresident of this State and who is involved in the accident when, based upon personal investigation, the Officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court.

(2) Whenever any person is arrested under the provisions of this subsection, he shall be taken without unnecessary delay before the proper court, as specified in BTC 10.05.080(g). [Prior code § 10-1-7.]

10.05.080 Traffic citations – When required – Contents – When permissible.

(a) Whenever a person is halted by a Police Officer for any violation of this chapter punishable as a misdemeanor, and is not taken before a Judge, the Officer shall prepare a written traffic citation containing a notice to appear in Court.

(b) The time specified in the notice to appear must be at least five days after the alleged violation unless the person charged with the violation shall demand an earlier hearing.

(c) The place specified in the notice to appear must be before a Judge as designated in subsection (g) of this section.

(d) The person charged with the violation may give his written promise to appear in Court by signing at least one copy of the written traffic citation prepared by the Officer, in which event the Officer shall deliver a copy of the citation to the person, and thereupon, the Officer shall not take the person into physical custody for the violation.

(e) Any Officer violating any of the provisions of this section is guilty of misconduct in office and shall be subject to removal from office.

(f) Except for felonies and those offenses enumerated in BTC 10.05.070(a)(1), (2), and (3), a Police Officer at the scene of a traffic accident may

issue a written traffic citation, as provided in subsection (a) of this section, to any driver of a vehicle involved in the accident when, based upon personal investigation, the Officer has reasonable grounds to believe that the person has committed any offense under the provisions of this chapter in connection with the accident.

(g) Whenever any person is taken before a Judge or is given a written traffic citation containing a notice to appear before a Judge as hereinbefore provided, the Judge shall be a Judge serving the Town of Byron, in which the offense charged is alleged to have been committed, and who has jurisdiction of the offense and is nearest or most accessible with reference to the place where the alleged violation occurred.

(h) Whenever any person is taken into custody by an Officer for the purpose of taking him before a Judge or Court as authorized or required in this chapter upon any charge other than the offenses enumerated in BTC 10.05.070(a)(1), (2), and (3), and no Judge is available at the time of arrest, and there is no bail schedule established by any court and no lawfully designated Court Clerk or other public officer who is available and authorized to accept bail upon behalf of the Court, the person shall be released from custody upon the issuance to him of a written traffic citation and his signing a promise to appear as provided herein. [Prior code § 10-1-8.]

10.05.090 Traffic citations – Appearance.

(a) It shall be unlawful for any person to violate his written promise to appear given to an Officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.

(b) A written promise to appear in Court may be complied with by an appearance by counsel. [Prior code § 10-1-9.]

10.05.100 Traffic citations – Forms.

(a) Appropriate forms for traffic citations containing notices to appear shall be issued in books with citations in triplicate and meeting the requirements of BTC 10.05.080.

(b) The Chief of Police shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual Policemen and

shall require and retain a receipt for every book so issued. [Prior code § 10-1-10.]

10.05.110 Traffic citations – Disposition – Records.

(a) Every Policeman upon issuing a traffic citation to an alleged violator of any provision of this chapter shall deposit the original or a copy of such traffic citation with the Court for the alleged offense of its Traffic Violations Bureau.

(b) Upon the deposit of the original or a copy of such traffic citation with the Court or its Traffic Violations Bureau, the original or copy of such traffic citation may be disposed of only by trial in such Court or other official action by a Judge of such Court, including forfeiture of the bail, or by the deposit of sufficient bail with or payment of a fine to such Traffic Violations Bureau by the person to whom such traffic citation has been issued by the Policeman.

(c) It shall be unlawful and official misconduct for any Policeman or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

(d) The Chief of Police shall require the return to him of a copy of every traffic citation issued by an Officer under his supervision to an alleged violator and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(e) The Chief of Police shall also maintain or cause to be maintained in connection with every traffic citation issued by an Officer under his supervision a record of the disposition of the charge by the Court or its Traffic Violations Bureau in which the original or copy of the traffic citation was deposited. [Prior code § 10-1-11.]

10.05.120 Traffic citations – Illegal cancellation – Audits – Annual publication.

(a) Any person who cancels or solicits the cancellation of any traffic citation in any manner other than as provided in BTC 10.05.060 shall be guilty of a misdemeanor.

(b) Every record of traffic citations required in BTC 10.05.060 through 10.05.080 inclusive shall

be audited annually by the appropriate Fiscal Officer of the municipality.

(c) Such Fiscal Officer shall publish or cause to be published an annual summary of all traffic violation notices issued and the dispositions thereof in at least one local daily newspaper of general circulation. [Prior code § 10-1-12.]

10.05.130 Traffic citations – When deemed lawful complaint.

In the event the form of citation provided under BTC 10.05.100 includes information and is sworn to as required under the general laws of this State in respect to a complaint charging commission of the offense alleged in such citation to have been committed, then such citation when filed with a Court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this chapter. [Prior code § 10-1-13.]

10.05.140 Operating a motor vehicle with a suspended, cancelled or revoked driver's license.

Any person who drives a motor vehicle on any public street or public highway in the corporate limits of the Town of Byron at a time when his or her driver's license, from this or any other jurisdiction, or nonresident's operating privileges are cancelled, suspended or revoked under the Act or any other law is guilty of a misdemeanor punishable by a fine of not more than \$750.00. [Ord. 10-1-14, 1995; prior code § 10-1-14.]

10.05.150 Permitting unauthorized persons to drive.

It shall be unlawful and punishable as provided in BTC 10.05.060 for any person to cause or knowingly permit any minor under the age of 18 years to drive a motor vehicle upon any street, alley or highway when such minor is not properly licensed as provided under BTC 10.05.140. [Prior code § 10-1-15.]

10.05.160 Requiring operator of motor vehicle to maintain liability insurance.

Every operator of a licensed automobile or motor vehicle shall maintain liability insurance. Any person who unlawfully operates a vehicle without having in full force and effect an automobile policy shall be guilty of a misdemeanor.

For applicable State law, see W.S. 31-4-103, 1977. [Ord. 10-1-16, 1994; prior code § 10-1-16.]

10.05.170 Driving while under the influence of drugs – Unlawful.

Repealed by Ord. 26, 2000. [Ord. 10-1-17, 1995; prior code § 10-1-17.]

10.05.180 Motor vehicle operation.

(a) Careless Driving. Every person operating any vehicle on the streets and highways of the Town of Byron shall drive the same in a careful and a prudent manner, having due regard for all attendant circumstances.

(b) Fresh Pavement. No vehicle shall be driven over any newly laid pavement of cement or other construction area where any barrier or sign has been placed warning against driving in such area or stating that the area is closed to traffic.

(c) Passing. No vehicle shall pass or attempt to pass another vehicle traveling in the same direction at any intersection except Main Street, nor while such vehicle is attempting to pass another traveling in the same direction.

(d) Visibility Through Windshield. It is unlawful for any person to operate a motor vehicle while the window glass of that vehicle is so covered with frost, snow, dirt, ice or any other substance as to impair the vision of the driver in any direction to such extent that such vehicle cannot be safely driven.

(e) Racing and Exhibition of Speed.

(1) No person shall engage in any motor vehicle speed or acceleration contest, or exhibition of speed or acceleration on any street without approval of such use by the governing body. No person shall aid or abet in any such motor vehicle speed or acceleration contest or exhibition on any street, without approval of such use by the governing body.

(2) No person shall for the purpose of facilitating or aiding or as an incident to any motor vehicle speed or acceleration contest upon a highway, in any manner obstruct or place or assist in placing any barricades or obstruction upon any street without approval of such use by the governing body.

(f) Obedience to Officer. All drivers and pedestrians shall stop immediately upon request or upon signal from any duly appointed Police Officer by

siren, flashing red light, or in any other understandable manner.

(g) Emergency.

(1) In case of an emergency provisions of this chapter may be superseded by orders of any Police Officer.

(2) Officers of a Fire Department in the County of Big Horn, when at the scene of a fire or answering an alarm, may direct or assist the Police in directing traffic.

(3) The provisions of this chapter shall not apply to the operation of vehicles by bona fide law enforcement personnel acting in the course of their duties.

(h) Public Parks. No vehicle shall be driven or parked in the public park without written permission from the governing body.

(i) Hanging On to Moving Vehicles. No person shall hitch or hang on to or climb upon any vehicle when it is in motion, nor shall any person ride on the running board, fender, hood, roof, spare tire, tire rack, bumper or doors on any vehicle. No person shall take hold of any part of any vehicle while the same is in motion. [Ord. 10-1-18, 1995; prior code § 10-1-18*.]

* Code reviser's note: Ordinances 10-1-18, 1995 and 1, 1997 both added sections numbered 10-1-18 to the previous code. During the 2005 reformat these sections were assigned separate numbers to avoid duplication.

10.05.190 U-turns.

No U-turns shall be made at any intersection or other area of Town in which a sign stating thereon "No U-Turn" has been erected by the Town. No U-turn shall be made unless it can be made without interfering with other traffic and unless the width of the street will permit such turn to be made with one continuous motion and without striking the curb. A driver wishing to make a U-turn in an intersection where it is permitted shall proceed beyond the center of the intersection and turn to the left after giving a proper signal, making the same in one continuous motion and without striking the curb. A driver wishing to make a U-turn between intersections where it is permitted shall turn to the left after giving the proper signal and turn in one continuous motion without striking the curb. The term "U-turn" as used herein shall include:

(a) Turning a vehicle across the opposite lane of traffic to park on the other side of a street;

(b) Backing a vehicle so as to change its direction and proceed in the opposite direction; and

(c) Any other maneuver within the right-of-way of a street or intersection for the purpose of reversing the direction of travel of a vehicle. [Ord. 1, 1997, § 1; prior code § 10-1-18*.]

* Code reviser's note: Ordinances 10-1-18, 1995 and 1, 1997 both added sections numbered 10-1-18 to the previous code. During the 2005 reformat these sections were assigned separate numbers to avoid duplication.

10.05.200 Speed limits established.

(a) No person shall drive any vehicle on any street or highway at a greater speed than is reasonable and prudent under the conditions and having regard to actual and potential hazards then existing.

(b) Except when a special hazard exists that requires a lower speed for compliance with subsection (a) of this section, the limits specified in this section or established as herein after authorized shall be maximum lawful speeds, and no person shall drive any vehicle on a highway at a speed in excess of such maximum limits:

(1) Thirty miles per hour on Wyoming Highway 14A;

(2) The designated speed in special speed zones properly designated and marked;

(3) Twenty miles per hour in school zones plainly marked by signs or signals according to law;

(4) Twenty-five miles per hour on all other streets within the Town.

(c) Authorized emergency vehicles shall not be subject to the provisions of this section. [Ord. dated 6-10-1999, § 1; prior code § 10-1-19*.]

* Code reviser's note: Ordinances 6-10-1999 and 1, 2003 both added sections numbered 10-1-19 to the previous code. During the 2005 reformat these sections were assigned separate numbers to avoid duplication.

10.05.210 Display of State license plates.

Every owner of a motor vehicle which shall be driven on public highways of the Town, except as otherwise provided by laws of the State, shall display a correct number plate for motor vehicles issued by the State in a conspicuous place and securely fastened in such a manner as to be plainly

visible, one on the front except for motorcycles, trailers and house trailers, and one on the rear of every motor vehicle registered under the provisions of the laws of the State; provided, however, that automobile dealers, while demonstrating a motor vehicle, need to display only one number plate which shall be placed on the rear of such motor vehicle.

Such number plates shall be secured to the motor vehicle so as to prevent swinging and shall, except for motorcycles, be attached in a horizontal position at a minimum height of 12 inches from the ground and shall be maintained free from foreign materials and in a condition to be clearly legible.

No license number plates other than the official plates referred to in this section shall be displayed by any vehicle except in the case of nonresident ownership. [Ord. 1, 2003, § 1; prior code § 10-1-19*.]

* Code reviser's note: Ordinances 6-10-1999 and 1, 2003 both added sections numbered 10-1-19 to the previous code. During the 2005 reformat these sections were assigned separate numbers to avoid duplication.

Title 11

LAND USE AND DEVELOPMENT

Chapters:

- 11.05 Findings**
- 11.10 Violations, Penalties and Enforcement**
- 11.15 General Construction**
- 11.20 Definitions**
- 11.25 Compliance Permits**
- 11.30 Permit Approval Process**
- 11.35 Performance Standards**
- 11.40 Zoning Districts**
- 11.45 Nonconforming Uses, Lots, and Structures**
- 11.50 Planning Commission**
- 11.55 Board of Adjustment**
- 11.60 Amendments**
- 11.65 Fee Schedule**
- 11.70 Livestock Keeping**

Chapter 11.05**FINDINGS**

Sections:

- 11.05.010 Reason for enactment.
- 11.05.020 Based on master plan.
- 11.05.030 Public hearing held.
- 11.05.040 Repeal of old code.
- 11.05.050 Authority.

11.05.010 Reason for enactment.

These land use and development regulations are enacted to protect and to promote the general health, safety and welfare and to minimize any adverse effects from residential, commercial and industrial development within and around the Town of Byron. [Ord. 1, 2008, § 1; prior code § 11-1-1.]

11.05.020 Based on master plan.

A master plan has been prepared as a sufficient basis for this title. [Ord. 1, 2008, § 1; prior code § 11-1-2.]

11.05.030 Public hearing held.

The public has had numerous and sufficient opportunities to provide input to the preparation of the master plan of the Town of Byron and these land use and development regulations. [Ord. 1, 2008, § 1; prior code § 11-1-3.]

11.05.040 Repeal of old code.

In 1977, the Town Council did enact and adopt the Byron Town Development Code. This section repeals such code as adopted in 1977, and is adopted as a revision and modification of that code. [Ord. 1, 2008, § 1; prior code § 11-1-4.]

11.05.050 Authority.

This title is adopted under the authority of W.S. 15-1-510(b) and 15-1-601 through 15-1-611 and is hereby declared to be in accordance with all provisions of the statutes. [Ord. 1, 2008, § 1.]

Chapter 11.10**VIOLATIONS, PENALTIES
AND ENFORCEMENT**

Sections:

- 11.10.010 Violation defined.
- 11.10.020 Discovery of violations.
- 11.10.030 Informal resolution.
- 11.10.040 Notice of violation.
- 11.10.050 Referral to Town Attorney.
- 11.10.060 Revocation of permits.
- 11.10.070 Penalty for violation.
- 11.10.080 Other remedies.

11.10.010 Violation defined.

It shall be a violation of this title to make any use of property or commence construction or other land development activities not expressly permitted by this title, without a compliance permit, or other approval granted pursuant to this title. [Ord. 1, 2008, § 1; prior code § 11-2-2. Formerly 11.10.020.]

11.10.020 Discovery of violations.

The Zoning Administrator shall act upon violations discovered by any of the following means:

(a) Complaints of zoning violations shall be made to the Zoning Administrator. Any person, including any resident or landowner and including any Town officer or employee, may make a complaint. The Zoning Administrator shall investigate all complaints and shall take further action only if the Zoning Administrator verifies that a probable zoning violation exists.

(b) The Zoning Administrator is authorized to review any public records to discover and investigate zoning violations.

(c) The Zoning Administrator is authorized to discover and investigate zoning violations by:

(1) Conducting on-site inspections of properties provided the responsible party consents to the inspection;

(2) Inspecting properties by viewing them from public areas including public streets, or from neighboring properties provided the owner of such neighboring property consents;

(3) Observing zoning violations in the course of conducting other Town business for which the Zoning Administrator has permission to

enter the property or which otherwise allows the Zoning Administrator to witness a violation;

(4) Obtaining an inspection warrant from a court of competent jurisdiction if other means of inspecting a probable violation are ineffective; and

(5) Other methods approved in advance by the Town Attorney. [Ord. 1, 2008, § 1.]

11.10.030 Informal resolution.

Upon finding that a zoning violation has probably occurred, the Zoning Administrator may attempt to resolve the matter informally by contacting the responsible party and discussing the violation. In the case of complaints, no more than 30 days shall be allowed for informal resolution. If informal resolution is not successful within the specified time, the Zoning Administrator shall issue a notice of violation. [Ord. 1, 2008, § 1.]

11.10.040 Notice of violation.

When the Zoning Administrator has determined that a zoning violation has probably occurred and informal resolution is unsuccessful or inappropriate due to the nature of the violation, the Zoning Administrator shall send a notice of violation to the responsible party by certified mail, return receipt requested. The notice shall state the location of the property, the nature of the violation, the section(s) of this title being violated, a time limit for compliance not exceeding 10 days, the penalty for violations, and suggested corrective actions. At the Zoning Administrator's discretion, the time limit for compliance may be extended for an additional 10 days if the landowner is making progress toward compliance. If substantial compliance is not achieved within the specified time, the Zoning Administrator shall refer the case to the Town Attorney for enforcement action pursuant to BTC 11.10.050, Referral to Town Attorney. A notice of violation may be appealed to the Board of Adjustment pursuant to Chapter 11.55 BTC and the notice of violation shall advise of this opportunity for appeal. [Ord. 1, 2008, § 1.]

11.10.050 Referral to Town Attorney.

If a violation is not remedied within the time limit specified in a notice of violation, the Zoning Administrator shall refer the case to the Town Attorney for prosecution. [Ord. 1, 2008, § 1.]

11.10.060 Revocation of permits.

If the Zoning Administrator finds that any construction is not in accordance with the information supplied on the permit application or is in violation of this or any other pertinent regulations, or should the Zoning Administrator find that there has been any misrepresentation in connection with the application for the permit, the Zoning Administrator shall notify the responsible party of such findings and notify him that the violation must be corrected. The responsible party shall have 10 working days in which to reply to such notification. If such reply or correction is not made, the Zoning Administrator shall revoke the permit and shall provide to the responsible party a written notice of the revocation, including the reasons for the revocation and notice of the right of appeal to the Board of Adjustment. No person shall proceed with any part of such construction after such notice is received. [Ord. 1, 2008, § 1.]

11.10.070 Penalty for violation.

Any person violating any provision of this title shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$750.00 for each offense. Each day during which the illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. [Ord. 1, 2008, § 1; prior code § 11-2-1. Formerly 11.10.010.]

11.10.080 Other remedies.

In addition to any of the foregoing remedies, the Council may maintain an action for injunction to restrain any violation of this title. [Ord. 1, 2008, § 1; prior code § 11-2-3. Formerly 11.10.030.]

Chapter 11.15**GENERAL CONSTRUCTION**

Sections:

- 11.15.010 Concurrent jurisdiction.
- 11.15.020 Applicability.
- 11.15.030 Liberal construction.

11.15.010 Concurrent jurisdiction.

Where other Town, County or State regulations apply concurrently with this title, the more restrictive provisions shall govern. [Ord. 1, 2008, § 1; prior code § 11-3-1.]

11.15.020 Applicability.

If any provision of this title or applicability thereof to any person or circumstance is held invalid, the remainder of the title and its application to other persons or circumstances shall not be affected. [Ord. 1, 2008, § 1; prior code § 11-3-2.]

11.15.030 Liberal construction.

The provisions of this title shall be liberally construed in favor of the public interests. [Ord. 1, 2008, § 1; prior code § 11-3-3.]

Chapter 11.20**DEFINITIONS***

Sections:

- 11.20.010 Definitions generally.
- 11.20.020 Specific definitions.

* Prior legislation: Prior code §§ 11-4-1 through 11-4-9.

11.20.010 Definitions generally.

The following terms when used in this title shall have the meanings respectively ascribed in the following section. [Ord. 1, 2008, § 1.]

11.20.020 Specific definitions.

(1) “Accessory housing unit” means a dwelling unit accessory to a principal dwelling unit, located on the same lot, and with not more than one-half the floor area of living space compared to the principal dwelling.

(2) “Agricultural production” means all commercial agricultural operations and related buildings and structures, including dry land farming, irrigated farming, turf farming, tree farming, wholesale nurseries, ranching, dairying, and other livestock operations, but not including feedlots.

(3) “Applicant” refers to a person or entity making application for a compliance permit whether in person or by a designated representative.

(4) “Bed and breakfast” means an owner-occupied, single-family dwelling where short-term lodging is provided through the rental of no more than four individual rooms to the general public.

(5) “Building” means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

(6) “Campground” means an outdoor area providing space for vacationers to live on a temporary basis in either tents, tent trailers, or recreational vehicles which is open to the general public and operated to provide financial gain to the proprietor. A campground may also include rental cabins and the sale of goods and services to patrons, but its primary function is to accommodate visitors providing their own shelter.

(7) “Commercial business” means retail and service businesses and office uses.

(8) “Commercial recreation business” means a commercial business offering amusement, recreational, or entertainment activities such as indoor riding arenas, bowling alleys, movie theaters, pool halls, game arcades, and amusement rides when such activities are contained within a building.

(9) “Commercial storage” means storage yards and buildings where a fee is charged for the storage of equipment, motor vehicles, boats or recreation vehicles, including mini-warehouses and self-service storage facilities for the storage of goods, belongings, possessions, materials, and other goods.

(10) “Community use” means public and quasi-public buildings and land uses operated by a governmental agency or nonprofit community organization including nonresidential schools, churches, cemeteries, meeting halls, parks, fairgrounds, animal shelters, governmental offices, fire, sheriff, and ambulance stations, and post offices.

(11) “Correctional facility” means prisons, jails, halfway homes for criminals, youth correctional facilities and similar uses.

(12) “Council” refers to the duly elected Town Council of the Town of Byron, Wyoming.

(13) “DEQ” refers to the Wyoming Department of Environmental Quality or its successors.

(14) “Development” means any and all building or construction and all changes in land use.

(15) “Dwelling” means a building or portion thereof used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, tents, other structures designed or used primarily for temporary occupancy and not including mobile homes.

(16) Dwelling, Single-Family. “Single-family dwelling” means a detached building, arranged, designed and intended to be occupied by not more than one family, which has not more than one kitchen and not less than one bathroom and contains at least 600 square feet of floor area.

(17) Dwelling, Two-Family. “Two-family dwelling” means a building occupied by two families living independently of each other and containing at least 1,000 square feet of floor area.

(18) Dwelling, Multiple-Family. “Multiple-family dwelling” means a building occupied by

three or more families living independently of each other in separate dwelling units, and containing at least 300 square feet of floor area in each dwelling unit, including apartment houses, condominiums, townhouses, and other such dwelling facilities joined into one structure and composed of separate dwelling units.

(19) “Highway commercial business” means a business that provides a substantial portion of its goods and services to tourists and travelers, including motels, hotels, restaurants, gift shops, automobile service stations, gasoline filling stations, and truck stops.

(20) “Industrial and commercial development” means developments for the purpose of manufacturing, materials processing, warehousing, wholesaling, retailing, and providing business, personal or professional services, except a permitted accessory use.

(21) “Industrial uses” means manufacturing, processing, fabrication and assembly operations and wholesale businesses such as animal sale yards, bottling distributors, warehouses, bulk fuel storage, lumber yards and building material sales.

(22) “Institutional use” means group homes, day care centers, hospitals, nursing homes, convalescent homes, retirement homes and similar uses.

(23) “Large accessory building” means any building that is accessory to any use and that is larger than 5,000 square feet and/or occupies more than 50 percent of the lot on which it is to be located.

(24) “Lot” means the basic land development unit, a parcel of land having fixed boundaries not divided by any public street or alley, which is used or intended to be used by one or more principal permitted uses.

(25) “Manufactured home” means a structure, transportable in one or more dependent sections, constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act (42 U.S.C. 5401 et seq. as amended), which is built on a permanent chassis and designed to be used as a single-family residential dwelling unit.

(26) “Manufactured home court” means a parcel (or contiguous parcels) of land which has been so designated and improved that it contains two or more manufactured home lots available for rent

and the placement thereon of manufactured homes for residential occupancy.

(27) “Master plan” means a comprehensive plan for development of the Town, prepared and adopted by the planning commission, pursuant to State law, and including any part of the plan separately adopted and any amendment to such plan, or parts thereof.

(28) “Mobile home” means a structure, transportable in one or more sections, designed for use as a single-family residential dwelling unit, built on a permanent chassis, that was constructed prior to June 15, 1976, or is lacking certification of compliance with the National Manufactured Housing Construction and Safety Standards Act. Such a structure shall be considered to be a mobile home, whether or not the wheels originally mounted have been removed, and whether or not the structure has been placed upon a permanent foundation. A “trailer house” is the same as a mobile home.

(29) “Modular home” means a structure, transportable in one or more dependent sections, designed for use as a single-family residential dwelling unit, not built on a permanent chassis, capable of being transported from the place of fabrication to the site on which it is to be erected, where it is placed on a permanent foundation and, when assembled, meets all of the provisions of the Uniform Building Code or International Building Code for residential dwelling units.

(30) “Outdoor recreation facility” means a commercial business offering on-site amusement, recreational, or entertainment activities which are predominantly conducted outdoors such as drive-in theaters, batting cages, miniature golf, water slides, amusement rides, go carts, and archery ranges.

(31) “Permitted accessory use” means a building or use customarily incidental to a principal building or principal use and subordinate in area, extent, or purpose to the principal building or principal use served.

(31.1) “Recreational vehicles” means any of the following:

(a) A “travel trailer,” defined as a nonmotorized, portable, rigid structure built on a chassis and on wheels that is designed to be used as a temporary dwelling for travel, recreation, vacation or other temporary uses and towed by a motor vehicle. The term includes so-called fifth-wheel units.

(b) A “pick-up camper,” defined as a structure designed to be mounted on or within the bed of a pick-up truck for use as a temporary dwelling for travel, recreation, vacation or other temporary uses.

(c) A “motor home,” defined as a portable, temporary dwelling to be used for travel, recreation, vacation, or other temporary uses, constructed as an integral part of, or permanently attached to, a self-propelled vehicle.

(d) A “tent trailer,” defined as a folding structure mounted on wheels and designed to be transported and stored in a collapsed position and opened to create usable dwelling space at a destination where it is used for travel, recreation, vacation or other temporary uses.

(e) A “converted van” or “converted bus,” defined as a recreational structure created by altering or changing an existing auto van or bus to make it suitable for use as temporary sleeping quarters for travel, recreation or other temporary uses.

(f) A “utility trailer,” defined as a nonmotorized vehicle designed to be towed by a motor vehicle and used to transport one or more boats, snowmobiles, all-terrain vehicles, personal water craft, other off-road equipment or goods or materials.

(g) A “boat,” defined as every description of watercraft used or capable of being used as a means of transportation on water.

(32) “Residential religious use” means monasteries, convents and similar religious facilities providing long-term residential accommodations.

(33) “Residential schools” means public or private schools, colleges, universities, and training schools providing long-term residential accommodations.

(34) “Responsible party” means any landowner who authorizes, commissions or allows any construction or other use of land in violation of this title; any tenant, renter, contract purchaser or other occupant of the land who authorizes, commissions or allows any construction or other use of land in violation of this title; any contractor, firm, or other person who engages in construction or land development activities in violation of this title.

(35) “Rock products mine” means mining of sand, gravel, rock, limestone, and topsoil for use or sale off site, including washing, screening, crush-

ing, and other processing of material produced on site.

(36) “Salvage yard” means any establishment or place of business maintained, operated, or used for storing, keeping, buying or selling junk including scrap metal processors, auto-wrecking yards, salvage and scrap yards, and temporary storage of automobile bodies or parts awaiting disposal, resale, or reuse as a normal part of a business operation when the business has such materials located on the premises on a customary basis.

(37) “Setback” means the horizontal distance required to be maintained between a given lot line and the projected lines of any structure.

(38) “Sexually oriented business” means a commercial establishment consisting of, including, or having the characteristics of any of the following:

(a) Adult Bookstore. An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

(b) Adult Cabaret. An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished by its emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; a cabaret that features female topless dancers, strippers, male or female impersonators, or similar entertainment for observation by patrons.

(c) Adult Motion Picture Theater. An enclosed building used for presentation of video graphic materials distinguished by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.

(39) “Slaughterhouse” means a building used for the slaughtering and processing of animals.

(40) “Structure” means a combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land.

(41) “Subdivision” means the division of a tract of land into three or more parts for immediate or future sale or building development. For the purposes of determining whether a subdivision creates one additional part or more than one additional part, all prior land divisions affecting any of the land which is the subject of the proposed division,

which prior divisions took place within five years preceding February 23, 2008, which is the date of adoption of the ordinance codified in this title, shall be counted as if part of the current subdivision.

(42) “Townhouse” means a single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical fire-resistant walls and each unit is on its own lot.

(43) “Trailer house” means the same as “mobile home.”

(44) “Transportation uses” means commercial airports, heliports, landing strips, truck terminals, and transmission pipelines.

(45) “Utility uses” means electric transmission lines, power plants, substations of electrical utilities, solid waste disposal facilities, wastewater treatment plants, water treatment plants, water storage tanks, communication towers over 35 feet in height, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives, and more than two microwave dishes with a diameter of 10 feet or more in one location.

(46) “Zoning Administrator” means the person appointed by the Mayor to administer this title. At the discretion of the Mayor, a person holding another Town position such as but not limited to the Building Official or Town Foreman may concurrently serve as Zoning Administrator. [Ord. 8, 2011 § 1; Ord. 5, 2011 § 1; Ord. 5, 2009 § 1; Ord. 3, 2009 § 1; Ord. 1, 2008, § 1.]

Chapter 11.25

COMPLIANCE PERMITS

Sections:

- 11.25.010 When required.
- 11.25.020 Time of application.
- 11.25.030 Form of application.
- 11.25.040 Conditions.
- 11.25.050 Permit limited to development as represented.
- 11.25.060 Duration.
- 11.25.070 Revocation of permit.

11.25.010 When required.

No building or other structure of any kind shall be erected, constructed, relocated or structurally altered, nor shall the use of any property be changed, unless a permit therefor has been issued by the Council or Zoning Administrator. [Ord. 1, 2008, § 1; prior code § 11-5-1.]

11.25.020 Time of application.

An application for a compliance permit shall be made prior to the physical layout or start of construction of the proposed development. [Ord. 1, 2008, § 1; prior code § 11-5-2.]

11.25.030 Form of application.

The application for a compliance permit shall be made on forms provided by the Council. The application shall be accompanied by a sketch plan.

(a) The sketch plan is the basis for discussion between the applicant, the Zoning Administrator, Planning Commission, and the Council. It is intended that the sketch plan be flexible and susceptible to modification in accordance with the recommendations of the Zoning Administrator, the Planning Commission and the Council. The complexity of the sketch plan will vary with the size and complexity of the development. All applicants should consult with the Zoning Administrator during their preparation of a sketch plan.

(b) A sketch plan should include:

- (1) A location map (to appearance scale);
- (2) A complete overhead view drawing of the proposed development showing all property lines, streets, alleys, and other public or private rights-of-way; together with all setbacks and

dimensions of all structures (including driveways, parking lots, and patios to be erected);

(3) All drawings shall show accurate measurement from the property line to the location of any proposed improvement. [Ord. 1, 2008, § 1; prior code § 11-5-3.]

which action shall be taken to correct any violations in order for the approval to be retained. [Ord. 1, 2008, § 1.]

11.25.040 Conditions.

In approving a compliance permit, the Council may impose any reasonable conditions to ensure that the proposed use is compatible with surrounding land uses, and to ensure that the development and operation of the proposed use are performed in a manner consistent with public health, safety, and welfare. Such conditions shall be limited to issues directly related to the impacts of the proposed use and shall be proportional to the impacts. [Ord. 1, 2008, § 1; Ord. dated 11-16-99, § 1; prior code § 11-5-4.]

11.25.050 Permit limited to development as represented.

A compliance permit will be issued for the proposed development as represented to and approved by the Council. Any significant modification or deviation of the development from its represented and approved form shall cause the compliance permit to be void and shall be a violation of the provisions of this title. [Ord. 1, 2008, § 1; prior code § 11-5-5.]

11.25.060 Duration.

Unless, upon application of the applicant, the Council grants an extension, each compliance permit shall expire and become void at the expiration of one year from the date of issuance unless a certificate of completion has been submitted to the Zoning Administrator. Each applicant shall submit a certificate of completion to the Zoning Administrator upon completion of the proposed development. [Ord. 1, 2008, § 1; prior code § 11-5-6.]

11.25.070 Revocation of permit.

The Council may revoke a compliance permit if terms or conditions of approval are violated. Prior to revocation, the responsible party shall be given an opportunity for a hearing before the Council. Notice shall be provided in accordance with BTC 11.30.090. The Council may specify a time by

Chapter 11.30

PERMIT APPROVAL PROCESS

Sections:

- 11.30.010 Initial review.
- 11.30.020 On-site inspections.
- 11.30.030 Applicant's presence.
- 11.30.040 Standard for review.
- 11.30.050 Planning Commission recommendation.
- 11.30.060 Initial action.
- 11.30.070 Further information requests.
- 11.30.080 Hearings.
- 11.30.090 Notice of hearing.
- 11.30.100 Action after hearing and receipt of additional information.
- 11.30.110 Plats and plans of subdivisions.
- 11.30.120 Plans for manufactured home courts.

11.30.010 Initial review.

All new developments and subdivisions require an approved permit from the Town. However, different agencies within the Town are responsible for granting the approval depending on the size and type of project. Smaller, simpler developments are approved directly by the Zoning Administrator. Smaller subdivisions (five or fewer lots) are approved by the Planning Commission. Approvals for all larger developments and subdivisions undergo a two-part process wherein the Planning Commission reviews the project and makes a recommendation to the Town Council; the Council then makes the final decision on these larger projects. The specific terms are as follows:

(a) An application for a single-family dwelling or addition thereto, for an appurtenant nonresidential building or structure, or for the placement of a manufactured home, when accompanied by the required fee, shall be reviewed by the Zoning Administrator. Within 10 days of receiving a complete application, the Zoning Administrator shall either:

(1) Approve the permit if the proposed development is in compliance with the provisions of this title;

(2) Approve the permit with conditions reasonable and necessary to ensure compliance with this title; or

(3) Deny the permit if it does not comply with this title.

(4) The Zoning Administrator shall report action on the permit to the Council at its next regular meeting.

(b) An application for a subdivision dividing a tract of land into not more than five lots shall, when accompanied by the required fee, be reviewed by the Planning Commission.

(c) All applications for compliance permits other than those listed in subsections (a) and (b) of this section shall be submitted to the Council. The Council shall refer the application to the Planning Commission for review and recommendation. Final action on these applications shall be made by the Council following a public hearing and receipt of the Planning Commission recommendation. [Ord. 1, 2008, § 1; prior code § 11-6-1.]

11.30.020 On-site inspections.

The filing of an application for a compliance permit constitutes permission for the Zoning Administrator to conduct an on-site inspection of the proposed development. [Ord. 1, 2008, § 1; prior code § 11-6-2.]

11.30.030 Applicant's presence.

The applicant or his designated representative shall, if requested by the Planning Commission or Council, be present for consideration of the application. [Ord. 1, 2008, § 1; prior code § 11-6-3.]

11.30.040 Standard for review.

Applications for compliance permits shall be reviewed to determine conformance to the performance standards contained in this title and to the general and specific intent of the master plan for the Town of Byron. [Ord. 1, 2008, § 1; prior code § 11-6-4.]

11.30.050 Planning Commission recommendation.

Upon receipt of an application for compliance permit from the Council, the Planning Commission shall have 30 days to convene a meeting, review the application and prepare a written recommendation to the Council. [Ord. 1, 2008, § 1.]

11.30.060 Initial action.

After receipt of the Planning Commission recommendation on an application for a compliance permit, the Council may:

(a) Request the applicant to submit further information prior to the setting of a hearing date; or

(b) Request the applicant to submit further information and set a hearing date at the next regular meeting of the Council. [Ord. 1, 2008, § 1; prior code § 11-6-5. Formerly 11.30.050.]

11.30.070 Further information requests.

The Council may request further information concerning compliance with the performance standards contained in this title or the master plan for the Town of Byron. Any such further information shall be submitted in accordance with the schedule agreed to by the applicant and the Council. An outline of the information requested and a schedule for its submission shall be provided in writing to the applicant by the Town Clerk within five working days after the schedule is mutually accepted. [Ord. 1, 2008, § 1; prior code § 11-6-6. Formerly 11.30.060.]

11.30.080 Hearings.

A public hearing shall be required upon all applications for subdivisions involving the creation of six or more lots for immediate or future sale, and for all new industrial, commercial and multiple-family developments and for manufactured home courts. [Ord. 1, 2008, § 1; prior code § 11-6-7. Formerly 11.30.070.]

11.30.090 Notice of hearing.

(a) The Town Clerk shall be responsible for providing notices of a public hearing at least 15 days before the date of the hearing.

(b) Notices shall include the following information:

- (1) A brief description of the project;
- (2) The project's location relative to landmarks or crossroads and the address if available;
- (3) An abbreviated legal description;
- (4) Applicant's name;
- (5) Hearing date, time, and place; and
- (6) How additional information can be obtained.

(c) The notice shall be published in at least one newspaper of general circulation in the Town.

(d) A copy of the notice shall be mailed to the owners of all adjacent properties and all properties within 285 feet of the subject property as shown in the property ownership records of the County Assessor. In addition, a copy of the notice shall be mailed to the applicant and to any person who requests to be informed of a pending hearing. [Ord. 1, 2008, § 1; prior code § 11-6-8. Formerly 11.30.080.]

11.30.100 Action after hearing and receipt of additional information.

After a public hearing has been held and any requested additional information has been submitted, the Council shall:

(a) Approve the application and issue a permit, with or without conditions;

(b) Reject the application, filing its reasons for doing so in writing within five days after the decision is made.

In no case shall a decision be delayed more than one month after the public hearing, or after the receipt of additional information requested, whichever is later. [Ord. 1, 2008, § 1; prior code § 11-6-9. Formerly 11.30.090.]

11.30.110 Plats and plans of subdivisions.

The initial review of subdivisions shall be based on a preliminary plan. The preliminary plan need not be prepared by a professional engineer or surveyor providing it is accurate in respect to the parcel's boundaries and is drawn to scale. The final plat and attachments required by the performance standards of Chapter 11.35 BTC may be submitted to the Zoning Administrator after the compliance permit has received initial approval. The final plat for six or more lots and attachments will then be considered by the Council at its first regular meeting following the expiration of 30 days from the filing of the final plat and attachments. Any variance from the conditions of the initial approval shall be grounds for rejection of the final plat. The compliance permit shall not be considered complete until the final plat is approved. [Ord. 1, 2008, § 1; prior code § 11-6-10. Formerly 11.30.100.]

11.30.120 Plans for manufactured home courts.

The initial review of manufactured home courts shall be based on a preliminary plan. The prelimi-

nary plan need not be prepared by a professional engineer or surveyor providing it is accurate in respect to the parcel's boundaries and is drawn to scale. The final plan and attachments required by the performance standards of Chapter 11.35 BTC may be submitted to the Zoning Administrator after the compliance permit has received initial approval. The final plan and attachments will be considered by the Council at its first regular meeting following the expiration of 30 days following the filing of such plan and attachments. Any variance from conditions of the initial approval shall be grounds for rejection of the final plan. The compliance permit shall not be considered complete until the final plan is approved. [Ord. 1, 2008, § 1; prior code § 11-6-11. Formerly 11.30.110.]

Chapter 11.35

PERFORMANCE STANDARDS

Sections:

- 11.35.010 Industrial and commercial developments.
- 11.35.020 Subdivisions.
- 11.35.030 Manufactured home courts.
- 11.35.040 Multiple-family dwellings.
- 11.35.050 Single-family dwellings.
- 11.35.060 Dangerous buildings.
- 11.35.070 Water supply protection.
- 11.35.080 Energy conservation.
- 11.35.090 Fences, hedges and walls.
- 11.35.100 Home businesses.
- 11.35.110 Communication tower siting.
- 11.35.120 Mobile homes.
- 11.35.130 Manufactured homes.
- 11.35.140 *Repealed.*

11.35.010 Industrial and commercial developments.

All industrial developments shall conform to the following performance standards:

(a) No industrial or commercial development shall be allowed without a thorough analysis of its impact on the Town's water supply and distribution system, sewage collection and treatment system, solid waste collection and disposal program, fire protection facilities, law enforcement program, and streets.

(b) No industrial or commercial development shall be allowed except when such development bears the full cost of any extension, expansion, or upgrading of Town facilities or services necessitated by its location in the Town. However, the Town may reimburse the developer for all or part of the costs of such Town facilities or services with funds from an economic development account established to offset such costs for worthwhile economic development projects.

(c) The Council may require that an industrial or commercial development provide adequate pre-treatment of its sewage effluent before such effluent enters the Town's sewage system.

(d) Industrial or commercial developments having emissions of odor, fly ash or other particulate matters; or producing or emitting toxic or combustible products; and other industrial processes may be excluded from the Town if in the opinion

of the Town Council the development would be detrimental to local air quality even though Wyoming Air Quality Standards are met.

(e) Industrial or commercial developments generating regular heavy truck traffic may necessitate the designation of truck routes. Where such routes are determined to be necessary, the applicant may be required to provide funding for signing, traffic signals, and street surface improvements on the truck route.

(f) Industrial or commercial developments may be required to take safety measures such as fencing of loose material, stockpiles and trenches, shielding of glaring surfaces, arc lights or welding areas, and noise reducing or muffling measures. An industrial development may be rejected on the basis of unreasonable noise, glare or light, or safety hazards.

(g) The Council may require reasonable buffer areas around industrial or commercial developments, such areas to be landscaped and, where necessary, fenced by the applicant. Depending upon the nature and function of the building or other improvement, the Council may require reasonable setbacks from public streets and alleys and may make other reasonable requirements determining the location of the building or improvement on the property. Industrial or commercial development buffer zones shall amount to 40 percent or more of the space covered by the structures, roadways, and materials handling areas. No more than 60 percent of a buffer zone should be devoted to parking. The strict application of this performance standard may be varied, however, where the existing arrangement of structures or other conditions would make strict application an extreme hardship on the applicant.

(h) Industrial and commercial developments shall provide off-street parking adequate for employees and customers. Such parking shall have adequate drainage and lighting, and safe access to public streets. The strict application of this performance standard may be varied, however, for smaller developments where on-street parking will present no traffic congestion or safety hazard.

(i) All industrial or commercial developments shall conform to the provisions of the Uniform Fire Code, which is hereby adopted as it applies to such developments.

(j) Advertising signs utilized by industrial or commercial developments shall not include mov-

ing, flashing, or blinking parts. Off-site signs or billboards are prohibited except for directional signs. No directional sign shall exceed 30 feet in height or 300 square feet in coverage nor shall it display any promotional material. [Ord. 1, 2008, § 1; prior code § 11-7-1.]

11.35.020 Subdivisions.

All subdivisions within or proposed as additions to the Town of Byron shall conform to the following performance standards. All subdivisions within one mile of the corporate limits of the Town shall be reviewed for general compliance with these performance standards.

(a) All subdivisions shall be evaluated for their impacts on the Town's water supply and distribution system, sewage collection and treatment system, solid waste collection and disposal program, fire protection facilities, law enforcement program, and streets. Subdivisions shall also be evaluated for their internal circulation and access patterns, lot size, arrangement, and layout; and their relationship to natural conditions of soil type, drainage and hydrology, slopes, floodplains, and other natural resource considerations.

(b) The location, size, shape, and orientation of lots shall be determined with regard to the following factors:

- (1) Access for streets or roads and utilities and services;
- (2) Off-street parking;
- (3) Relationship of structures to be erected;
- (4) Provision of open space and maximization of scenic values;
- (5) Minimum disruption of natural topography;
- (6) Local climatic conditions, especially snow and icing patterns;
- (7) Minimization of storm water runoff and soil erosion;
- (8) Minimum disruption of irrigation and drainage systems;
- (9) Design elements intended to create identity and interest in the subdivision.

(c) No subdivision shall be permitted which is not connected to the Town water supply system. The applicant shall install a central water distribution system serving all domestic and fire fighting needs. Each lot shall be provided with a separate water tap which may be separately metered. The

system shall be constructed of pipe of both the size and kind approved by the Town. The system shall be dedicated to the Town in the certificate of dedication required on the final subdivision plat. The applicant shall guarantee, by method agreeable to the Council, the system for one year from the date of acceptance. The system shall be fully compatible with the comprehensive plan for utilities and conform to all standards adopted by the Town and the State. Approval by DEQ shall be submitted with the final plat.

(d) No subdivision shall be permitted which is not connected to the Town sanitary sewage treatment system. The applicant shall install a central sewage collection system serving all the proposed lots and constructed of pipe of a size and kind approved by the Town. The system shall be dedicated to the Town in the certificate of dedication required on the final subdivision plat. The applicant shall guarantee, by a method agreeable to the Council, the system for one year from the date of the acceptance. The system shall be fully compatible with the comprehensive plan for utilities and conform to all standards adopted by the Town and the State. Approval by DEQ shall be submitted with the final plat.

(e) The applicant may be required to install water supply facilities and sanitary sewage collection facilities of excess capacity where the comprehensive plan of the Town calls for an extension of the Town water supply system into areas beyond the subdivision.

(f) The cost of installing oversize water or sewer mains shall be shared by the applicant and the Town on a basis to be determined by the Council in each case.

(g) A subdivision may be rejected on the basis of insufficient water or sewage capacity being available to serve it.

(h) No Town utilities shall be located on private rights-of-way.

(i) All underground utilities shall be installed to the property lines of each lot prior to street surfacing. Water and sanitary sewer facilities shall be located in separate trenches which are at least 10 feet apart.

(j) The applicant shall provide written assurances from all private utilities that proposed rights-of-way for those utilities will be adequate.

(k) All lots shall be provided with usable access by dedicated public road or street. Principal access to a lot from an alley is prohibited.

(l) Roads or streets shall follow natural terrain to the extent feasible and cuts and fills shall be minimized.

(m) The layout, design, and construction of public roads, streets, and alleys shall be compatible with the master plan for the Town. Street names shall be compatible with those existing and are subject to approval by the Council.

(n) Street construction standards shall be as follows:

(1) Cul-de-sacs and dead-end streets shall have a turning circle at least 60 feet in diameter at their end and shall be no longer than 600 feet.

(2) Streets shall intersect at right angles, wherever possible.

(3) Jogs in streets shall be at least 125 feet apart and, whenever possible, streets shall be aligned with existing streets.

(4) Culverts or bridges shall be provided by the applicant and shall extend across the entire surfaced width of the street.

(5) Surface material shall be asphalt or concrete on a suitable base. The surfaced width shall be at least 20 feet. The Council may require a wider street surface where the traffic load will necessitate it.

(6) Adequate drainage of roads shall be provided for in the subdivision's layout and design.

(7) Utilities shall be located in the street right-of-way and/or alley right-of-way.

(8) Alley rights-of-way shall be 20 feet in width where alleys are provided.

(9) Right-of-way width for streets shall be adequate to accommodate two-way traffic flow, the use of emergency and maintenance vehicles, and for all utilities and their maintenance. In no case shall the street right-of-way width be less than 45 feet.

(o) All subdivisions shall be designed to minimize soil erosion and the consequent sedimentation of natural watercourses. The construction of temporary or permanent storm drainage and/or other erosion control structures may be required. In general, all areas vulnerable to erosion or made vulnerable to erosion during the construction and use of a subdivision must be stabilized.

(p) Applicants shall be encouraged to utilize the principles of cluster design in subdivisions, to provide pedestrian movement systems separated from streets or roads, and to provide open space.

(q) If the proposed subdivision includes six or more lots, the subdivider shall dedicate to the Town a park site equivalent in area to at least six percent of the total area being subdivided, provided such park land is located within 1,200 feet of all lots in the proposed subdivision and is approved by the Council as to location; or, at the option of the Town, the subdivider shall, in lieu of such dedication, pay to the Town a cash amount equal to at least six percent of the raw land value of the total land area in the proposed subdivision. The price of such land shall be established and agreed upon by the Town and the subdivider prior to accepting the final plat of such subdivision. If the Town and subdivider fail to agree on the value of said land, the value shall be established by an independent appraiser mutually acceptable to the subdivider and the Town. Such payment shall be used only for the acquisition or development of parks, playgrounds or other similar public purposes.

(r) The final plat of any subdivision shall reflect all recommendations of the Council. The final plat, if it contains six or more lots, shall conform to the drawing standards of the Big Horn County subdivision regulations (Subdivision Regulations for Big Horn County, Chapter XIV, Section 1, Quality of Final Plat). The Town Clerk shall be provided with one reproducible and two paper copies of as-built maps of all utility lines installed by the applicant.

(s) The final plat shall be accompanied by:

(1) Copies of all covenants attaching to the subdivisions;

(2) Evidence satisfactory to the Council that the applicant has adequate financial resources to develop and complete any facility proposed or represented to be the responsibility of the applicant, including, but not limited to, water systems, sewage systems, streets and roadways. The applicant shall either:

(A) Provide a performance bond, acceptable letter of credit or other sufficient financial commitment to assure that any facilities proposed or represented to be part of the subdivision shall in fact be completed as proposed; or

(B) Construct all facilities proposed or represented to be part of the subdivision prior to the recordation of the final plat and sale of any lots;

(3) Approval of the subdivision sewage collection and water distribution system from DEQ;

(4) A contract, ready for signature, approved by the Town Attorney, specifying the exact nature of public improvements to be completed by the applicant. The contract shall stipulate and provide for continuing inspection by a designated inspector as work progresses. A guarantee of adequacy of improvements shall be contained in the contract and shall be binding for one year after the completion date assigning liability to the applicant for failure due to poor workmanship or materials. Where the Town and applicant share the costs of improvements, the exact methods and amounts of cost sharing shall be specified in the contract. Where the costs are shared, liability for failures shall be shared in the same proportion as costs. The contract may include provisions for phasing improvements subject to a plan approved by the Council.

(t) Prior to approval of a final plat of any subdivision, the Town Building Official shall make such inspections as are necessary to ensure that all provisions of the compliance permit and of the contract required by subsection (s)(4) of this section have been fulfilled. Failure to fulfill any of these provisions shall be a violation of this section and subject the applicant to the penalties provided in this title. No lots shall be conveyed until the final plat has been accepted by motion of the Council as fulfilling all conditions of the compliance permit and contract. [Ord. 1, 2011 § 1; Ord. 1, 2008, § 1; prior code § 11-7-2.]

11.35.030 Manufactured home courts.

All manufactured home courts shall conform to the following performance standards.

(a) All manufactured home courts shall be evaluated for their impacts on the Town's water supply and distribution system, sewage collection and treatment system, solid waste collection and disposal program, fire protection facilities, law enforcement program, and streets. Manufactured home courts shall also be evaluated for their internal circulation and access patterns; unit size, arrangement and layout; and their relationship to natural conditions of soil type, drainage and

hydrology, slopes, floodplains, and other natural resources considerations.

(b) Each unit or lot designed for the location of a manufactured home shall contain 4,500 or more square feet and shall be not less than 40 feet in width throughout. The strict application of this performance standard, however, may be varied by the Council where circumstances permit the safe and effective use of smaller lots.

(c) No manufactured home court shall be allowed except when the applicant bears the full cost of any extension or expansion of Town facilities or services necessitated by the court's location in the Town.

(d) No manufactured home court shall be permitted which is not connected to the Town water supply system.

(1) The applicant shall install a central water distribution system providing a separate service which can be separately metered to each unit or lot.

(2) If the applicant desires not to install separate meters at the time of construction, the owner of the manufactured home court may execute and file with the Town a written agreement to pay all water charges for water delivered to the manufactured home court, including a minimum charge for each occupied unit, and water may then be delivered through a central meter to serve all units within the court, and all charges shall be billed to and paid by the owner.

(3) The water distribution system shall be of adequate size to provide for domestic and fire-fighting needs. The size and type of pipe shall be approved by the Town.

(4) The system shall conform to all standards adopted by the Town and the State. Approval by DEQ shall be submitted with the final plat.

(e) No manufactured home court shall be permitted which is not connected to the Town sanitary sewage treatment system. The applicant shall install a sewage collection system with pipe of a size and kind approved by the Town. Each lot or unit shall be connected to the sewage collection system. The sewage collection system shall conform to all standards adopted by the Town and the State. The approval of DEQ shall be submitted with the final plat.

(f) Water and sewer shall be installed to each unit in separate trenches which are at least 10 feet apart.

(g) A manufactured home court may be rejected on the basis of insufficient water or sewage system capacity being available to serve it.

(h) No manufactured home shall be occupied for more than seven days unless connected to the Town water supply system and the Town sewage treatment system.

(i) No manufactured home shall be connected to the Town water supply system or Town sewage treatment system until it has been located upon the lot in accordance with the provisions of this chapter. Any existing manufactured home not now in compliance with the location provisions of this chapter, which is not relocated to comply with the provisions of this chapter within three months from the effective date of the ordinance codified in this chapter, shall be disconnected from the Town water supply and sewage treatment systems.

(j) All manufactured homes, additions thereto, storage sheds and other appurtenant structures shall be located at least 20 feet from any public street or highway and at least 10 feet from other court lot or unit lines. There shall be a minimum distance of 15 feet between any manufactured home and the abutting court roadway. Where spaces are located side by side, there shall not be less than 20 feet between manufactured homes. Where spaces are located end to end, the Council may grant an exception to the foregoing setback regulations; provided, however, there shall not be less than 15 feet between any manufactured home and any service building.

(k) All roads within the court shall be a minimum of 20 feet in width. All roads shall be surfaced with asphalt or concrete on a suitable base. Adequate drainage of roads shall be provided for in the manufactured home court's layout and design.

(l) A walkway shall be provided for each manufactured home unit.

(m) Adequate lighting of all internal roadways and public spaces shall be provided.

(n) Manufactured home courts shall provide adequate, all-weather off-street parking at a rate of two spaces per unit.

(o) All manufactured home courts shall meet the minimum standards for fire protection in manufactured home courts as set forth by the State Department of Fire Protection and Electrical Safety.

(p) Manufactured home courts shall be graded and adequately drained.

(q) An adequately maintained solid waste container shall be provided for each unit or for groups of units where the container is accessible by all-weather walkways and adequately sized for the potential loading. All containers shall conform to the solid waste disposal standards.

(r) The owner of any manufactured home set within the Town limits of the Town of Byron shall, within 30 days after a manufactured home unit is set, install skirting around the manufactured home, and such skirting shall not provide a harborage for rodents, or create a fire hazard, and improvements shall be installed to provide adequate air for combustion of any gas unit as specified in the adopted Uniform Building Code for the Town of Byron.

(s) Applicants shall be encouraged to utilize the principles of cluster design in manufactured home courts, to provide pedestrian movement systems separated from public streets and internal roadways and to provide open space. Any manufactured home court containing more than three units shall provide a minimum of 100 square feet of adequately landscaped and maintained recreational open space per unit.

(t) The final plan of any manufactured home court shall reflect all recommendations of the Council. It shall conform to the drawing standards provided for subdivisions in this title. The Town Clerk shall be provided with one reproducible copy and two paper copies of the final plan. Additionally, the Town Clerk shall be provided with reproducible copies of as-built maps of all utility lines installed by the applicant.

(u) The final plan shall be accompanied by approval of the manufactured home court sewage collection and water distribution system from DEQ.

(v) Each manufactured home space shall provide adequate area for a storage building.

(w) Prior to approval of a final plan of any manufactured home court, the Town Building Official shall make such inspections as are necessary to ensure compliance with these performance standards. Failure to comply shall be a violation of this title and subject the applicant to the penalties provided in this title. No unit shall be occupied until the final plan has been accepted by motion of the

Council as fulfilling all conditions of the compliance permit.

(x) The Zoning Administrator shall conduct inspections of each manufactured home court to ensure continuing compliance with this title; such inspections being preceded by at least 24 hours' written notice. Inspections may also be conducted at the written request of an occupant or neighbor of a court or by order of the Council. When violations are discovered, the applicant shall be notified in writing within 24 hours and shall appear at the next Council meeting to show cause why the court's compliance permit should not be revoked. The Council may reaffirm, with modifications, or rescind the findings of the Zoning Administrator and may dictate a schedule for correction of violations. Where extreme threats to the public health or safety are found to exist, the Council may order immediate closure of the court.

(y) The owner of the manufactured home court shall be the party responsible for compliance with this title. [Ord. 12, 2014, § 1; Ord. 1, 2008, § 1; Ord. 27, 2000, § 1; Ord. dated 4-6-95; Ord. dated 4-6-95; Ord. 11-7-3(r), 1994; prior code § 11-7-3.]

11.35.040 Multiple-family dwellings.

All multiple-family dwellings hereafter constructed shall conform to the following performance standards. Existing multiple-family dwellings shall be subject to subsections (e), (h), and (i) of this section.

(a) All multiple-family dwellings shall be evaluated for their impacts on the Town's water supply and distribution system, sewage collection and treatment system, solid waste collection and disposal program, fire protection facilities, law enforcement program, and streets.

(b) No multiple-family dwelling shall be allowed except when the applicant bears the full cost of any extension or expansion of Town facilities or services necessitated by its location in the Town. However, the Town may reimburse the developer for all or part of the costs of such Town facilities or services with funds from an economic development account established to offset such costs for worthwhile economic development projects.

(c) A multiple-family dwelling may be rejected on the basis of insufficient water or sewage system capacity being available to serve it.

(d) All multiple-family dwellings shall provide adequate parking. If it shall be necessary in order to provide adequate parking for the builder to provide off-street parking, such off-street parking shall have safe access to public streets. A minimum of two off-street parking spaces shall be required for each dwelling unit.

(e) All multiple-family dwellings shall provide adequate solid waste collection containers, accessible by all-weather walkways from the dwelling units, and conforming to all standards for such containers set by the Town.

(f) No multiple-family dwelling structures shall be constructed within 10 feet of any public alley or within 20 feet of any public street. The strict application of this performance standard, however, may be varied providing that the standard relating to overall open space on the parcel is met.

(g) A minimum of 1,500 square feet of lot area per dwelling unit shall consist of landscaped open space that is not occupied by buildings, structures, parking areas, access roads or other similar developed features. The strict application of this performance standard, however, may be varied where the existing arrangement of structures or other conditions would make strict application an extreme hardship on the applicant.

(h) Open space surrounding multiple-family dwellings shall be landscaped and maintained by the applicant. Landscaping shall consist of planting materials, including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch and similar materials.

(i) All multiple-family dwellings shall conform to the Uniform Building Code, recommended and published by the International Conference of Building Officials (ICBO), being particularly the 1994 Edition and future editions thereof, and the whole thereof, including the appendix thereto, and also the supplements thereto, including the Uniform Mechanical Code, Uniform Sign Code, Uniform Code for the Abatement of Dangerous Buildings, Uniform Fire Code, all 1994 Editions and future editions, and the Model Energy Code, except such portions thereof as are hereinafter deleted, modified or amended, and such codes are hereby adopted and incorporated herein as fully as if set out verbatim herein, and the 2003 International Residential Code for One- and Two-Family Dwellings, and all future editions thereof. All

future editions of any uniform code adopted herein, including any supplements and/or appendixes thereto, shall be deemed to be adopted and in full force and effect one year after their issuance by the ICBO. [Ord. 1, 2008, § 1; Ord. 3, 2007, § 1; Ord. 29, 2000, § 1; Ord. 28, 2000, §§ 1, 2; prior code § 11-7-4.]

11.35.050 Single-family dwellings.

All site-built and modular-construction single-family dwellings and appurtenant accessory buildings hereafter constructed shall conform to the following performance standards. Existing dwellings are subject to subsections (a), (b), (c) and (e) of this section.

(a) Each dwelling shall have a separate service connection to Town water and sewer mains. Existing joint connections shall be eliminated within two years of the effective date of the ordinance codified in this chapter.

(b) All residences and accessory buildings shall conform to the provisions of the Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition.

(c) Each residential lot shall be limited to one primary dwelling unit and one accessory housing unit. The accessory housing unit may be part of the same building as the primary dwelling unit or a detached unit on the same lot. The accessory housing unit may be accessed by an alley. The living area of the accessory housing unit shall not exceed 1,000 square feet or 50 percent of the living area of the primary dwelling, whichever is greater. There shall be provided additional off-street parking area adequate to accommodate all needs of the accessory housing unit.

(d) All single-family dwellings are subject to the following additional requirements:

(1) Structures will have a minimum width of 24 feet and minimum length of 32 feet; and

(2) Structures will be attached to a permanent foundation that conforms to the current International Building Code; and

(3) Siding will consist of wood or wood products, stucco, brick, rock, lap steel, lap aluminum or lap vinyl. One or a combination of these materials will be used to cover the exterior of the housing unit.

(e) All single-family dwellings and accessory buildings shall conform to the provisions of the

Uniform Building Code, recommended and published by the International Conference of Building Officials (ICBO), being particularly the 1994 Edition and future editions thereof, and the whole thereof, including the appendix thereto, and also the supplements thereto, including the Uniform Mechanical Code, Uniform Sign Code, Uniform Code for the Abatement of Dangerous Buildings, Uniform Fire Code, all 1994 Editions and future editions, and the Model Energy Code, except such portions thereof as are hereinafter deleted, modified or amended, and such codes are hereby adopted and incorporated herein as fully as if set out verbatim herein, and the 2003 International Residential Code for One- and Two-Family Dwellings and all future editions thereof. All future editions of any uniform code adopted herein, including any supplements and/or appendixes thereto, shall be deemed to be adopted in full force and effect one year after their issuance by the ICBO. [Ord. 2, 2008, § 1; Ord. 1, 2008, § 1; Ord. 4, 2007, § 1; Ord. 31, 2000, § 1; Ord. 30, 2000, § 1; prior code § 11-7-5.]

11.35.060 Dangerous buildings.

(a) The Uniform Code for the Abatement of Dangerous Buildings, recommended and published by the International Conference of Building Officials (ICBO), being particularly the 1994 Edition and the whole thereof, including the appendix thereto, is hereby adopted and incorporated herein, as fully as if set out verbatim herein.

(b) Whenever an owner-occupied housing unit is to be converted to a rental unit, the owner of the housing unit shall first obtain an inspection by the Town Building Official. The Town Building Official shall inspect the building to determine if it constitutes a dangerous building as defined in the Uniform Code for the Abatement of Dangerous Buildings. If the Building Official finds that the housing unit is a dangerous building, he shall advise the owner in writing of the conditions that make the housing unit dangerous and the owner shall not allow renters to occupy the housing unit until the dangerous conditions have been remedied. Failure of the housing unit owner to comply with this requirement shall constitute a violation of this title. [Ord. 1, 2008, § 1; Ord. 32, 2000, § 1; prior code § 11-7-6.]

11.35.070 Water supply protection.*

Those lands described in the Town's master plan as necessary for the quality and quantity of the Town's water supply shall be maintained in their existing use. No pipeline conveying petroleum products or other pollutants shall cross these lands. [Ord. 1, 2008, § 1; prior code § 11-7-8. Formerly 11.35.080.]

* Prior legislation: Prior code § 11-7-7.

11.35.080 Energy conservation.

All structures and land uses shall be subject to the following performance standards which promote the conservation of energy: No structure shall interfere or block in any way the access of any other structure to light needed for solar heating or power generation. [Ord. 1, 2008, § 1; prior code § 11-7-9. Formerly 11.35.090.]

11.35.090 Fences, hedges and walls.

Fences, hedges and walls may be permitted with the following limitations:

(a) No fence, hedge, or wall on a corner lot shall exceed two and one-half feet in height when located within 30 feet of the corner formed by the front lot line and the side lot line, and no fence, hedge, or wall shall exceed two and one-half feet in height when located within five feet of the corner formed by an alley line and a street line; provided, that chain link or other metal see-through fencing may be constructed within such areas; provided, that such fencing will not so obstruct visibility across the corner as to create a traffic hazard; further provided, that the determination by the Building Inspector as to whether such fencing will so obstruct visibility as to create a traffic hazard shall be conclusive; and further provided, that no plant, object or thing of any type whatsoever over two and one-half feet in height shall be placed, planted or permitted to grow along such fencing or within such areas.

(b) No barbed wire or other sharp or pointed metal fence and no electronically charged fence shall be permitted in the Town without permission of the governing body. Each application for such a building permit shall contain a plot plan drawn to scale showing the property lines and the location of the fence on the property and shall further specify the type and height of fence proposed to be con-

structed. Fence construction is subject to all permit and inspection requirements of the Uniform Building Code as adopted by the Town.

(c) Fences may not be constructed within the right-of-way of any dedicated street or alley unless permission is first obtained from the governing body. Fences constructed within the right-of-way of a dedicated street or alley or within the area of a dedicated utility easement, including any fence, hedge, or wall now in existence, are subject to being relocated or removed by the Town and other franchised utilities at the expense of the property owner, and the right of the Town and other franchised utilities to locate, relocate, maintain and improve or replace and expand the utility lines and equipment, and the right to ingress and egress for such purposes shall be deemed to supersede and have precedence over any consent that may be granted within the right-of-way of a dedicated street or alley or within the right-of-way of a dedicated utility easement. Any fence, hedge, wall or other improvement erected within such areas, even with the consent of the Town, shall be at the sole risk of the owner and such improvements may be removed, damaged, or destroyed by the Town or other franchised utility.

Any person or persons having or maintaining any fence, hedge, or wall in violation of this section may be required by the Town Council of the Town of Byron to remove the same and the person or persons in violation of said section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$100.00 nor more than \$750.00, plus costs incurred by the Town for removing or relocating the fence, wall, or hedge. [Ord. 1, 2008, § 1; prior code § 11-7-10. Formerly 11.35.100.]

11.35.100 Home businesses.

(a) Home businesses are allowed in all districts pursuant to the following terms:

(1) The commercial or industrial activity shall be conducted entirely within a dwelling and carried on by the inhabitants living there and not more than one other employee; and

(2) The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof; and

(3) There shall be no exterior advertising other than identification of the home business; and

(4) There shall be only incidental sale of stock, supplies or products conducted on the premises; and

(5) There shall be no exterior storage on the premises of material or equipment used as a part of the home business; and

(6) There shall be no offensive noise, vibration, dust, smoke, odors, heat or glare noticeable at or beyond the property line; and

(7) There shall be provided additional off-street parking area adequate to accommodate all needs created by the home business.

(b) Major home businesses are allowed in all districts pursuant to the following terms:

(1) Establishment of a major home business shall require a compliance permit issued by the Town Council; and

(2) A major home business shall be carried on by the inhabitants living in the dwelling located on the same lot as the business; and

(3) The number of nonresident employees, the size and type of signage, and the extent of on-premises sales activity is not specifically limited but may be limited by conditions imposed by the Council; and

(4) There shall be no offensive noise, vibration, dust, smoke, odors, heat or glare noticeable at or beyond the property line; and

(5) There shall be no exterior storage on the premises of material or equipment used as a part of the home business; and

(6) There shall provided additional off-street parking area adequate to accommodate all needs created by the home business; and

(7) The initial term of the compliance permit shall be one year after which the permit shall expire unless the applicant applies for renewal of the permit. The Council may set the term of the renewed permit for a period longer than one year. [Ord. 1, 2008, § 1.]

11.35.110 Communication tower siting.

A compliance permit is required for all communication towers prior to their installation. The siting shall also comply with the following:

(a) Selected sites will be at locations that are in the best interest of the health, safety, and welfare of Town residents and shall not have a detrimental effect on the character of the surrounding area.

(b) Co-location of communication facilities on existing structures or towers is encouraged.

(c) Documentation shall be submitted that justifies the total height of any communication tower, facility, and/or antenna. This documentation will be reviewed to determine whether the height is justified in order to provide service primarily within the county.

(d) Towers and facilities shall not be artificially lighted or marked, except as required by State and Federal regulations. If lighting is required, the applicant must submit a detailed plan that explains how the lighting requirement will be met, while keeping it as unobtrusive and inoffensive as possible.

(e) Towers shall be galvanized or painted with a rust-preventive paint of a color that harmonizes with the surroundings and shall be maintained in accordance with Federal Aviation Administration (FAA) regulations.

(f) Towers and associated structures and facilities shall be set back from adjoining properties, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed tower or facility structure plus 10 percent of the height of the tower or structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Accessory structures shall comply with the applicable minimum setback requirements for the property on which they are located.

(g) A copy of the FAA permit shall be attached to the zoning certificate application. [Ord. 1, 2008, § 1.]

11.35.120 Mobile homes.

Mobile homes, as defined in BTC 11.20.020(28), are not allowed within the Town of Byron and shall not be installed, placed, set, or stored anywhere within the Town limits after the effective date of the ordinance codified in this title. Legally existing mobile homes, including those in legally existing mobile or manufactured home courts, are allowed to remain as nonconforming uses under the terms of Chapter 11.45 BTC and subject to the following additional requirements:

(a) No mobile home shall be occupied for more than seven days unless connected to the Town water supply system and the Town sewage treatment system.

(b) The owner of any mobile home shall install skirting around the mobile home, and such skirting shall not provide a harborage for rodents, or create a fire hazard, and improvements shall be installed to provide adequate air for combustion of any gas unit as specified in the adopted Uniform Building Code for the Town of Byron.

(c) Mobile homes may only be used for residential purposes and may not be used as storage buildings or for any commercial activity or purpose.

(d) No mobile home shall be permitted within the Town limits of the Town of Byron for the purpose of leasing to third persons who are not the owners thereof, unless such mobile homes are situated in areas specifically designed and approved as mobile home courts.

(e) Mobile homes that remain vacant for more than one year may not be reoccupied and must be removed at the owner's expense unless the mobile home meets one or more of the following two conditions:

(1) The mobile home is situated on a permanent foundation.

(2) The mobile home is incorporated into a permanent structure.

(f) An existing mobile home that becomes uninhabitable for any reason, that is destroyed, or that is removed from its present location may not be replaced with another mobile home. [Ord. 1, 2008, § 1; Ord. 33, 2000, § 1; Ord. 92-2, Art. I; prior code § 11-7-11. Formerly 11.35.110.]

11.35.130 Manufactured homes.

(a) Manufactured homes, as defined in BTC 11.20.020(25), are allowed within the Town of Byron in the RG, IL, TR, FP and RL zoning districts subject to the following requirements:

(1) Structures will be attached to a permanent foundation in accordance with the U.S. Department of Housing and Urban Development Handbook, Permanent Foundations Guide for Manufactured Housing, September 1996.

(2) Structures will have a minimum width of 24 feet and minimum length of 32 feet.

(3) Siding material will consist of wood or wood products, stucco, brick, rock, lap steel, lap aluminum or lap vinyl. One or a combination of these materials shall be used to cover the exterior of the housing unit.

(4) The lower perimeter of the dwelling unit shall be fully enclosed from the lower edge of the dwelling unit to the ground. The material used to enclose the lower perimeter of the dwelling shall be either masonry or the siding material specified in subsection (a)(3) of this section. Any material used to enclose the lower perimeter of the dwelling unit shall be able to withstand the effects of wind, soil, decay, and prevent the entry of rodents.

(5) An access will be provided along the lower perimeter. The size of the access will be at least 24 by 36 inches.

(6) No attachments, additions, alterations or modifications to the exterior walls of a manufactured home are allowed except those approved by the manufacturer for the specific unit. All other additions, porches, decks, garages or other add-on attachments must be freestanding and self-supporting with no structural reliance on the manufactured unit itself.

(7) All towing devices, wheels, axles, and undercarriage supports used solely for initial transportation of the home will be removed from the unit within 30 days of delivery to the site.

(8) Structures will contain under-floor areas that are ventilated by an approved mechanical means or by openings into the under-floor area walls.

(b) Legally existing manufactured homes located in the CL and CG districts are allowed to remain as nonconforming uses under the terms of Chapter 11.45 BTC.

(c) Manufactured homes to be installed in legally existing manufactured home courts are not required to meet the requirements of subsections (a)(1), (2), (6), and (7) of this section. [Ord. 7, 2011, § 1; Ord. 1, 2008, § 1.]

11.35.140 Recreational vehicles.

Repealed by Ord. 9, 2014. [Ord. 4, 2009 § 1.]

Chapter 11.40

ZONING DISTRICTS

Sections:

11.40.010 Zoning districts established.

11.40.020 Zoning map.

11.40.030 District boundaries.

11.40.040 Schedule of uses.

11.40.050 Dimensional requirements.

11.40.060 Floodplain district regulations.

11.40.010 Zoning districts established.

In order to carry out the provisions of this title, the Town is divided into the following zoning districts:

RL – Residential limited district.

RG – Residential general district.

CL – Commercial limited district.

CG – Commercial general district.

IL – Industrial district.

TR – Transitional district.

FP – Floodplain district.

[Ord. 1, 2008, § 1.]

11.40.020 Zoning map.

The official Town Zoning Map shall be filed and available to the public at the Byron Town Hall. The Zoning Administrator shall be responsible for revising the map whenever the Council amends the district boundaries. [Ord. 1, 2008, § 1.]

11.40.030 District boundaries.

The zoning district boundaries are shown on the Zoning Map. Unless otherwise defined on the zoning district map, district boundary lines are lot lines; the centerline of streets, alleys, or such lines extended; public land survey lines; municipal corporate lines; or other lines drawn to scale on the zoning district map. Where a lot is divided at the time of enactment of the ordinance codified in this title, or by subsequent amendments, by a zoning district boundary line, the less restrictive zoning requirements may be extended not more than 25 feet into the more restrictive zoning district adjacent to the zoning district boundary line. [Ord. 1, 2008, § 1.]

11.40.040 Schedule of uses.

The following table presents the land uses which are authorized within each zoning district (so denoted with “X”). The land uses must also conform to all applicable performance standards. Uses not specifically listed are prohibited in that zoning

district, unless the Planning Commission determines that the use is similar in nature to other uses within the same district. The following uses are not allowed in any zoning district in the Town of Byron: rock product mines, sexually oriented businesses and slaughterhouses.

Use Classifications	Zoning Districts						
	RL	RG	CL	CG	IL	TR	FP
Single-family dwellings including those of modular home construction	X	X	X		X	X	
Two-family dwellings including those of modular home construction	X	X	X	X	X	X	
Accessory housing units	X	X	X	X	X	X	
Single-family manufactured homes	X	X			X	X	
Manufactured home courts		X				X	
Multifamily housings		X	X	X		X	
Home businesses	X	X	X	X	X	X	
Bed and breakfasts	X	X	X	X	X	X	
Agricultural production	X				X	X	X
Community uses	X	X	X	X	X	X	
Utility uses					X	X	
Institutional uses		X	X	X	X	X	
Correctional facilities					X	X	
Residential religious uses			X	X		X	
Residential schools			X	X		X	
Transportation uses				X	X	X	
Commercial recreation businesses				X		X	
Outdoor recreational facilities				X		X	X
Campgrounds				X		X	X
Commercial businesses			X	X	X	X	
Highway commercial businesses				X	X	X	
Commercial storage				X	X	X	
Light industrial uses					X	X	
Salvage yards					X	X	
Permitted accessory uses	X	X	X	X	X	X	
Large accessory buildings	X	X	X	X	X	X	

[Ord. 11, 2014, §§ 1, 2; Ord. 6, 2011 § 1; Ord. 1, 2008, § 1.]

11.40.050 Dimensional requirements.

(a) Zoning district setbacks are established as follows:

(1) Principal buildings shall conform to the following setbacks:

Zoning District	Front Setback	Side Setback	Rear Setback
RL	20'	10'	10'
RG	20'	10'	10'
CL	4'	10'	10'
CG	0'	0'	10'
IL	20'	10'	10'
TR	20'	10'	10'
FP	20'	10'	10'

(2) Accessory buildings in all zoning districts shall conform to all setbacks, except the rear setback in the RG district shall be five feet.

(3) Side setbacks shall apply to the end units only for townhouse dwellings.

(4) The front and side setback distances for any corner lot fronting on both Center Street and Main Street shall be four feet on the sides of the lot fronting said streets.

(b) The height of a structure shall be measured vertically at any cross-section of the building from original grade to the high point of the building at the cross-section and shall not exceed the following height limits:

(1) Principal buildings, all zoning districts, except IL district: 35 feet.

(2) Principal buildings, IL district: 50 feet.

(3) Accessory buildings: same as for principal buildings.

(c) The minimum lot size in each zoning district shall conform to the following:

Zoning District	Minimum Lot Size
RL	6,000 square feet.
RG	6,000 square feet for one- and two-family dwellings; 9,000 square feet for multifamily dwellings; 2,000 square feet per unit for townhouses of three or more units; 12,000 square feet for all other listed uses.
CL	For residential uses, same as for RG district; 6,000 square feet for all other listed uses.
CG	For residential uses, same as for RG district; 6,000 square feet for all other listed uses.
IL	For residential uses, same as for RG district; 12,000 square feet for all other listed uses.
TR	12,000 square feet.
FP	One acre.

(d) Minimum lot width for each zoning district shall be as follows:

Zoning District	Minimum Lot Width
RL	80'
RG	60'
CL	60'
CG	50'
IL	67'
TR	80'
FP	100'

(1) For townhouse dwellings, the minimum lot width shall be 18 feet. [Ord. 13, 2014, §§ 1, 2; Ord. 1, 2008, § 1.]

11.40.060 Floodplain district regulations.

(a) The purpose of the flood management overlay district is to minimize public and private losses due to flood conditions in specific areas along the Shoshone River designated by the Federal Emergency Management Agency and the Federal Insurance Administration. The requirements of this chapter must be met in addition to those of the underlying zoning district.

(b) The areas of special flood hazard are identified on the flood insurance rate maps. The flood hazard area includes land within the 100-year floodplain.

(c) The creation of this district does not imply that all areas outside of the overlay district will always be safe from flooding. Therefore, the establishment of this district shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decisions lawfully made thereunder.

(d) All uses permitted in the FP district are subject to special construction requirements and the applicant shall demonstrate that the proposed development will not increase the risk of flooding or flood damage for properties upstream or downstream of the site.

(e) A compliance permit shall be obtained from the Council before construction or development begins within the FP district. The compliance permit application shall include information necessary to gauge the effect of the proposed development on floodplain management including a report by a Wyoming-licensed professional engineer indicating the base flood height at the proposed location and conformance of the project with the standards of the FP district.

(f) In all areas of special flood hazard, compliance with the following general standards is required:

(1) Anchoring shall be required for all structures in accordance with the following:

(A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(B) All manufactured homes must be anchored to prevent flotation, collapse or lateral movement of the structure and shall be installed using methods and practices that minimize flood

damage. Anchoring methods include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(2) Construction materials and methods shall conform to the following standards:

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

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

(C) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities shall conform to the following standards:

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

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

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

(4) Subdivision proposals shall conform to the following standards:

(A) All subdivision proposals shall be designed and constructed consistent with the need to minimize flood damage.

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

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(g) In all areas of the FP district, compliance with the following specific standards is required:

(1) Residential construction shall conform to the following standards:

(A) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a level equal to or greater than one foot above base flood elevation.

(B) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall be certified by a registered professional engineer or architect.

(2) Nonresidential Construction. New construction and substantial improvement of any non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(A) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

(C) Be certified by a Wyoming-licensed professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

(D) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (g)(1)(B) of this section.

(h) All manufactured homes to be placed or substantially improved in the FP district shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system. [Ord. 1, 2008, § 1.]

Chapter 11.45

NONCONFORMING USES, LOTS, AND STRUCTURES*

Sections:

- 11.45.010 Definitions.
- 11.45.020 Continuation.
- 11.45.030 Enlargement, expansion and relocation.
- 11.45.040 Alternation, maintenance, and repair.
- 11.45.050 Destruction and reconstruction.
- 11.45.060 Change of use.
- 11.45.070 Discontinuance.
- 11.45.080 Reduction of lot area.
- 11.45.090 New construction on nonconforming lot.

* Prior legislation: Prior code §§ 11-9-1 through 11-9-4.

11.45.010 Definitions.

(a) A “nonconforming use” is any use of land, premises, building, or structure that legally existed prior to the enactment of the ordinance codified in this title, which has been continuously in use and is no longer a permitted use in the zoning district where it is now located.

(b) A “nonconforming structure” is one that legally existed at the time of enactment of this title, and does not conform to the present requirements of the zoning district for setbacks or other dimensional requirements.

(c) A “nonconforming lot” is a lot of record that legally existed at the time this title was enacted and which is smaller than the present minimum lot area and/or width requirements of the zoning district where it is now located. [Ord. 1, 2008, § 1.]

11.45.020 Continuation.

Nonconforming uses and nonconforming structures legally established as defined above may continue, subject to the limitations set forth in this chapter. [Ord. 1, 2008, § 1.]

11.45.030 Enlargement, expansion and relocation.

Nonconforming uses and structures shall not be enlarged or expanded. No nonconforming uses or structures shall be moved to another location where

such use or structure would also be nonconforming. [Ord. 1, 2008, § 1.]

11.45.040 Alternation, maintenance, and repair.

Nonconforming uses and structures may be maintained and repaired as necessary for their continued safe and convenient operation, although the use and structure shall not be enlarged. [Ord. 1, 2008, § 1.]

11.45.050 Destruction and reconstruction.

A nonconforming use or structure that is destroyed may be reconstructed as long as the reconstruction begins within six months of the date of destruction and that the reconstruction does not increase the degree of nonconformity of the use or structure. [Ord. 1, 2008, § 1.]

11.45.060 Change of use.

A nonconforming use may be changed to any use that is allowed in the zoning district in which the use is located. No nonconforming use shall be changed to another use that is not authorized in that zoning district. [Ord. 1, 2008, § 1.]

11.45.070 Discontinuance.

If a nonconforming use is discontinued for a period of one year, then the nonconforming use cannot be resumed. Any future use of the site and structure must conform to the requirements of the zoning district. [Ord. 1, 2008, § 1.]

11.45.080 Reduction of lot area.

The lot area of a nonconforming lot or parcel may not be reduced in size by division or subdivision of the lot. [Ord. 1, 2008, § 1.]

11.45.090 New construction on nonconforming lot.

Buildings and structures may be constructed or enlarged on any nonconforming lot provided the proposed construction meets all other applicable requirements of this title, including setbacks. [Ord. 1, 2008, § 1.]

Chapter 11.50

PLANNING COMMISSION

Sections:

- 11.50.010 Appointment – Composition – Terms – Removal – Vacancies.
- 11.50.020 Organization and meetings.
- 11.50.030 Compensation – Staff – Consultants – Expenditures.
- 11.50.040 General powers of Commission.
- 11.50.050 Specific powers of Commission.

11.50.010 Appointment – Composition – Terms – Removal – Vacancies.

(a) The Mayor, with the consent of the Council, shall appoint a Planning Commission consisting of not less than five nor more than seven members. Each member shall be appointed for a term of three years, except that the initial appointments shall be:

- (1) Two for one year;
- (2) Two for two years; and
- (3) The remaining member or members for three years.

(b) The Council may remove any Commission member for cause upon written charges after public hearing. Vacancies shall be filled for the unexpired portion of a term.

(c) The Mayor, with the consent of the Council, may appoint one member of the Council to the Planning Commission as an additional, nonvoting liaison member with a term of one year. [Ord. 1, 2008, § 1.]

11.50.020 Organization and meetings.

The Planning Commission shall elect its own Chairman, and may appoint a qualified secretary, who need not be a member of the Commission, and shall create and fill such other offices as it may determine it requires for the proper conduct of the affairs and business of the Commission. The Chairman shall be elected yearly at the regular planning and zoning commission meeting held in January of each year and shall be eligible for reelection. The Commission shall hold at least one regular meeting in each month, at such time and place as may be fixed by the Commission. Special meetings of the commission may be called by the Chairman or, in his absence, by any of the members of the Commission. A majority of the Commission shall con-

stitute a quorum for the transaction of business. Any member of the Planning Commission shall automatically disqualify himself from voting on any decision on which he might have a personal interest by virtue of ownership of land to be affected by zoning, or other similar situation. All meetings shall be open to the public. The Commission shall adopt such other rules and regulations governing its organization and procedures as it may deem necessary, consistent with the laws of the Town and State. All Commission resolutions, transactions, findings and determinations and minutes are public records and shall be filed in the Town Hall. [Ord. 1, 2008, § 1.]

11.50.030 Compensation – Staff – Consultants – Expenditures.

The members shall serve without compensation, except for reasonable expenses. The Commission may appoint employees and staff necessary for its work and may contract with city planners and other consultants, including any appropriate agencies or departments of the State of Wyoming, for any service it requires. Commission expenditures shall not exceed the amount of funds appropriated by the Council or obtained through gifts or otherwise. [Ord. 1, 2008, § 1.]

11.50.040 General powers of Commission.

The Commission has all powers necessary to perform its functions and promote municipal planning and may:

(a) Make reports and recommendations relating to the planning and development of the Town to public officials and agencies, other organizations and citizens;

(b) Recommend to the executive or legislative officials programs for public improvement and their financing. [Ord. 1, 2008, § 1.]

11.50.050 Specific powers of Commission.

This title gives the Commission the following specific powers and duties in addition to any assigned to the Commission by statute:

(a) Review and make the final decision on compliance permits for subdivisions where no more than one additional lot, side or part is created.

(b) Review and make nonbinding recommendations to the Council on all compliance permits that come before the Council. [Ord. 1, 2008, § 1.]

Chapter 11.55

BOARD OF ADJUSTMENT

Sections:

11.55.010 Appointment – Composition – Terms – Removal – Vacancies.

11.55.020 Meetings – Procedure – Records.

11.55.030 Appeals to Board – Grounds – How conducted – Stay of proceedings.

11.55.040 Powers and duties.

11.55.050 Vote required.

11.55.010 Appointment – Composition – Terms – Removal – Vacancies.

(a) The Mayor, with the consent of the Council, shall appoint a Board of Adjustment consisting of not less than five nor more than seven members. Each member shall be appointed for a term of three years, except that the initial appointments shall be:

(1) Two for one year;

(2) Two for two years; and

(3) The remaining member or members for three years.

(b) The Council may remove any board member for cause upon written charges after public hearing. Vacancies shall be filled for the unexpired portion of a term.

(c) The Mayor, with the consent of the Council, may appoint the Town Planning Commission as the Board of Adjustment. [Ord. 1, 2008, § 1.]

11.55.020 Meetings – Procedure – Records.

Board meetings shall be held at the call of the Chairman and at such other times as the Board determines. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All Board meetings are open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question or if the member was absent or failed to vote. The Board shall also keep records of its examinations and other official actions. All minutes are public records and shall be filed in the Town Hall. [Ord. 1, 2008, § 1.]

11.55.030 Appeals to Board – Grounds – How conducted – Stay of proceedings.

(a) Any aggrieved person or any officer, department, board or bureau of the Town affected by any

decision of the Zoning Administrator may appeal to the Board. Appeals shall be taken within 14 days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds therefor. The Zoning Administrator shall immediately transmit to the Board the complete record of the action from which the appeal is taken.

(b) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay, in his opinion, would cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the District Court for the district, or a judge thereof, on notice to the Zoning Administrator, and on due cause shown. [Ord. 1, 2008, § 1.]

11.55.040 Powers and duties.

(a) The Board shall:

(1) Hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator;

(2) Fix a reasonable time for hearing an appeal, give public notice, adequate notice to the parties in interest and decide the appeal within a reasonable time. Any party may appear in person at a hearing or by agent or attorney;

(3) Adopt rules in accordance with the provisions of this title.

(b) The Board has the power to:

(1) Vary or adjust the strict application of any of the requirements of this title in the case of any physical condition applying to a lot or building if the strict application would deprive the owner of the reasonable use of the land or building involved. No adjustment in the strict application of any provision of this title may be granted unless:

(A) There are special circumstances or conditions, fully described in the Board's findings, which are peculiar to the land or building for which the adjustment is sought and do not apply generally to land or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of this title;

(B) For reasons fully set forth in the Board's findings, the circumstances or conditions are such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of the land or building, the granting of

the adjustment is necessary for the reasonable use thereof and the adjustment as granted is the minimum adjustment that will accomplish this purpose; and

(C) The granting of the adjustment is in harmony with the general purposes and intent of this title and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(2) Grant exceptions and variances upon request after a showing that an illegal construction or a nonconforming building or use existed for a period of at least five years in violation of this title and the Town has not taken steps toward enforcement;

(3) Reverse or affirm wholly or partly the order, requirement, decision or determination as necessary, but no power exercised under this subsection shall exceed the power or authority vested in the Zoning Administrator;

(4) Hear and decide special exemptions to the setback provisions of this title which may, at the option of the Board, be granted with the approval of the adjoining landowner or landowners. [Ord. 1, 2008, § 1.]

11.55.050 Vote required.

The concurring vote of a majority of the Board is necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this title or to allow any variation from this title. [Ord. 1, 2008, § 1.]

Chapter 11.60**AMENDMENTS**

Sections:

11.60.010 Amendments.

11.60.020 Protests.

11.60.010 Amendments.

This title may be amended in accordance with the laws of the State and all other applicable titles. Any amendments shall be effective only after a public hearing before the Council held after 15 days' notice of the time and place of such hearing shall have been given by posting in the Town Clerk's office and in at least two other public places as the Council determines, or by one publication in a newspaper of general circulation in the Town. Amendments that pertain to specific properties, including all rezoning actions or Zoning Map amendments, shall have notice provided in accordance with BTC 11.30.090. [Ord. 1, 2008, § 1; prior code § 11-10-1. Formerly 11.50.010.]

11.60.020 Protests.

If 20 percent or more of the owners of the lots within the area proposed for a change or those adjacent to or directly opposite thereto for a distance of 140 feet therefrom protest against the change, such amendment shall not become effective except upon a favorable vote of three-fourths of the Council. [Ord. 1, 2008, § 1; prior code § 11-10-2. Formerly 11.50.020.]

Chapter 11.65**FEE SCHEDULE**

Sections:

11.65.010 Compliance permit application and inspection fees.

11.65.010 Compliance permit application and inspection fees.

Compliance permit application and inspection fees shall be commensurate with the overall cost of the project and are set as follows:

Project Cost	Fee
\$1 to \$5,000	\$25
\$5,001 to \$15,000	\$50
\$15,001 to \$20,000	\$60
\$20,001 to \$50,000	\$70
\$50,001 to \$75,000	\$100
\$75,001 to \$100,000	\$150
\$100,001 to \$150,000	\$200
\$150,001 to \$200,000	\$300
Projects over \$200,001	\$350

If work for which a compliance permit is required by this code is started prior to obtaining such permit, the fee shall be doubled but the payment of such doubled fee shall not relieve any person from full compliance with the requirements of this code and execution of the work nor any other penalties prescribed herein. Compliance permit application and inspection fees are nonrefundable in the event work is not completed by applicant. [Ord. 5, 2008, § 1; Ord. 1, 2008, § 1; prior code § 11-8-1. Formerly 11.40.010.]

Chapter 11.70

LIVESTOCK KEEPING

Sections:

- 11.70.010 Definitions.
- 11.70.020 Permit required for keeping livestock.
- 11.70.030 Minimum lot size.
- 11.70.040 Cleanliness of premises.
- 11.70.050 Control of weeds.
- 11.70.060 Spraying for insects.
- 11.70.070 Livestock noise.
- 11.70.080 Suitable fencing.
- 11.70.090 Permit procedures.
- 11.70.100 Permit revocation or cancellation.
- 11.70.110 Violations.

11.70.010 Definitions.

Terms used in this chapter shall have the following meanings:

(a) "Animal" means a single cow, sheep, pig, horse, pony, mule, goat or any single hybrid thereof.

(b) "Livestock" means any cattle, sheep, swine, horses, ponies, mules, llamas, or goats or any hybrids thereof.

(c) "Weed" shall include any plant growth over eight inches in height (1) which is not compatible in an area of commercial or residential development or (2) which endangers property or (3) which would burn readily if fired. [Ord. 1, 2008, § 1.]

11.70.020 Permit required for keeping livestock.

The keeping, maintaining, harboring or boarding of livestock within the area denoted on the zoning map as the "Livestock Control Zone" shall require an annual permit from the Town. All permits shall be subject to revocation and cancellation as provided in BTC 11.70.100. [Ord. 1, 2008, § 1.]

11.70.030 Minimum lot size.

The issuance of any livestock keeping permit shall be subject to the following conditions:

(a) The keeping of one to two animals requires a minimum lot size of 10,000 square feet and a minimum corral space of 1,000 square feet.

(b) The keeping of three animals requires a minimum lot size of 19,000 square feet.

(c) The keeping of four animals requires a minimum lot size of 38,000 square feet.

(d) The keeping of more than four animals requires a minimum lot size of one acre plus one-half acre for each additional animal over four to be kept.

(e) Pre-existing livestock keeping that does not comply with the minimum lot size requirements may be continued, provided all other requirements of this chapter are met and the number of animals kept on the lot is not increased, even temporarily.

(f) Animals in excess of the lot size allowance may be kept on premises for which a permit is in effect for short periods not to exceed 21 days in any calendar year; providing, that a temporary permit is obtained. Such permit shall be issued upon application to the Zoning Administrator. [Ord. 1, 2008, § 1.]

11.70.040 Cleanliness of premises.

The holder of a permit issued pursuant to this chapter must at all times keep any building, yard, shed, stable, corral, or enclosure wherein any animals are kept in a clean and sanitary condition and may not permit any manure or other filth or debris to accumulate therein. [Ord. 1, 2008, § 1.]

11.70.050 Control of weeds.

The holder of a permit issued pursuant to this chapter must at all times control weeds on the property by either removal or spraying. [Ord. 1, 2008, § 1.]

11.70.060 Spraying for insects.

The holder of a permit issued pursuant to this chapter is required to spray or otherwise treat for insects any building, yard, shed, stable, corral or enclosure where any horses are kept, fed or maintained, and shall be required to do so as frequently as necessary to prevent flies or other insects from becoming a nuisance to neighbors in close proximity. [Ord. 1, 2008, § 1.]

11.70.070 Livestock noise.

The holder of a permit issued pursuant to this chapter must not allow livestock to make loud or incessant noise which may be annoying or discomforting to neighbors in close proximity. [Ord. 1, 2008, § 1.]

11.70.080 Suitable fencing.

The holder of a permit issued pursuant to this chapter must not allow livestock to run at large and shall provide suitable fencing confining the animals to where they are permitted. [Ord. 1, 2008, § 1.]

11.70.090 Permit procedures.

(a) Application for livestock keeping permits shall be made by the landowner to the Town Clerk and shall include the following information:

(1) The name, address, and telephone number of the owner of each animal, and if different, the name, address, and telephone number of the person or persons having care, custody, and control of the animal;

(2) A description of the animals the permit is requested for;

(3) A description by lot, block, and address of where the animals are to be secured;

(4) A description of the fence, pen, building, or other enclosure to be used in securing the animals on the premises; and

(5) A list showing the name and legal mailing address of all owners or residents of property adjoining or across a street or alley from the premises where the livestock is to be kept.

(b) Upon receipt of a proper application, the Town Clerk shall refer the application to the Zoning Administrator. The Zoning Administrator shall make an investigation which shall include verification of the information contained in the application and of the application's conformance with the standards of this chapter.

(c) Before issuing a permit, the Zoning Administrator shall send a copy of the application to each person listed in subsection (a)(5) of this section and allow reasonable time for comment. If no objection is received, the Zoning Administrator may issue the permit. If any objection is received, the application shall be referred to the Town Council for a decision.

(d) The Town Council shall decide applications referred to it within 45 days from date of referral.

(e) Livestock keeping permits issued for the first time shall expire at the end of the following July. To renew the permit, the applicant shall apply for renewal by June 1st of the year in which the permit is set to expire. The application shall contain the same information and shall be processed in

the same manner as for new applications. Applicants may vary their applications from year to year, such as requesting to keep different numbers and types of animals than were kept in the prior year. [Ord. 1, 2008, § 1.]

11.70.100 Permit revocation or cancellation.

Any livestock keeping permit may be revoked, cancelled or suspended by the Town Council at any time during the term thereof; provided, that the Town Clerk shall have first received a complaint in writing. The Council shall then upon not less than five days' notice to such permittee hold a public hearing on the complaint, and take action upon the complaint, including revocation, cancellation or suspension of the permit, as in the best judgment of the council will best serve and protect the public health and welfare of the Town. Revocation of a permit shall disqualify the landowner from keeping livestock on the subject land for the remainder of the original term of the permit. [Ord. 1, 2008, § 1.]

11.70.110 Violations.

Keeping of livestock without first obtaining a permit pursuant to this chapter shall be a violation and is enforceable pursuant to Chapter 11.10 BTC, Violations, Penalties, and Enforcement. [Ord. 1, 2008, § 1.]

Tables

	Page
A. Cross-Reference Table	A-1
B. Table of Codified Resolutions	B-1
C. Ordinance Table and Disposition List	C-1

Cross-Reference Table

This table provides users with the current disposition of the sections in the Byron Town Code. Thus, prior code Section 1-1-1 appears in this code as BTC 1.05.010.

Prior code	Herein	Prior code	Herein
1-1-1	1.05.010	2-3-1	2.15.010
1-1-2	1.05.020	2-3-2	2.15.020
1-1-3	1.05.030	2-3-3	2.15.030
1-1-4	1.05.040	2-4-1	2.20.010
1-1-5	1.05.050	2-4-2	2.20.020
1-1-6	1.05.060	2-4-3	2.20.030
1-1-7	1.05.070	2-4-4	2.20.040
1-1-8	1.05.080	2-4-5	2.20.050
1-1-9	1.05.090	2-4-6	2.20.060
1-1-10	1.05.100	2-4-7	2.20.070
1-1-11	Repealed by Ord. 3, 2002	3-1-1	3.05.010
1-2-1	1.10.010	3-1-2	3.05.020
1-2-2	1.10.020	3-1-3	3.05.030
2-1-1	2.05.010	3-1-4	3.05.040
2-1-2	2.05.020	3-1-5	3.05.050
2-1-3	2.05.030	3-1-6	3.05.060
2-1-4	2.05.040	3-1-7	3.05.070
2-1-5	2.05.050	3-1-8	3.05.080
2-1-6	2.05.060	3-1-9	3.05.090
2-1-7	2.05.070	3-1-10	3.05.100
2-1-8	2.05.080	3-1-11	3.05.110
2-1-9	2.05.090	3-1-12	3.05.120
2-1-10	2.05.100	4-1-1	4.05.010
2-1-11	2.05.110	4-1-2	4.05.020
2-1-12	2.05.120	4-1-3	4.05.030
2-1-13	2.05.130	5-1	5.05.010
2-1-14	2.05.140	5-1-1	5.05.020
2-1-15	2.05.150	5-1-2	5.05.030
2-1-16	2.05.160	5-1-3	5.05.040
2-1-17	2.05.170	5-1-4	5.05.050
2-1-18	2.05.180	5-1-5	5.05.060
2-2-1	2.10.010	5-1-6	5.05.070
2-2-2	2.10.020	5-1-7	5.05.080
2-2-3	2.10.030	6-1-A	6.05.010
2-2-4	2.10.040	6-1-B	6.05.020
2-2-5	2.10.050	6-1-C	6.05.030
2-2-6	2.10.060	6-1-D	6.05.040
2-2-7	2.10.070	6-1-E	6.05.050

Prior code	Herein	Prior code	Herein
6-1-1	6.05.060	6-2-13	6.10.130
6-1-2	6.05.070	7-1-1	7.05.010
6-1-3	6.05.080	7-1-2	7.05.020
6-1-4	6.05.090	7-1-3	7.05.030
6-1-5	Repealed by ord. 9, 2000	7-2-1	7.10.010
6-1-6	6.05.110	7-2-2	7.10.020
6-1-7	6.05.120	7-2-3	7.10.030
6-1-8	6.05.130	7-2-4	Repealed by Ord. 21, 2000
6-1-9	6.05.140		
6-1-10	6.05.150	7-2-5	Repealed by Ord. 22, 2000
6-1-11	6.05.160		
6-1-12	6.05.170	7-2-6	7.10.060
6-1-13	6.05.180	8-1-1	8.05.010
6-1-14	6.05.190	8-1-2	8.05.020
6-1-15	6.05.200	8-1-3	8.05.030
6-1-16	6.05.210	8-1-4	8.05.040
6-1-17	6.05.220	8-1-5	8.05.050
6-1-18	6.05.230	8-1-6	8.05.060
6-1-19	6.05.240	8-1-7	8.05.070
6-1-20	6.05.250	8-1-8	8.05.080
6-1-21	6.05.260	8-1-9	8.05.090
6-1-22	6.05.270	8-1-10	8.05.100
6-1-23	6.05.280	8-1-11	8.05.110
6-1-24	6.05.290	8-1-12	8.05.120
6-1-25	6.05.300	8-1-13	8.05.130
6-1-26	6.05.310	8-1-14	8.05.140
6-1-25	6.05.320	8-1-15	8.05.150
6-1-26	6.05.330	8-1-16	8.05.160
6-1-27	6.05.340	8-1-17	8.05.170
6-1-28	6.05.350	8-1-18	8.05.180
6-2-1	6.10.010	8-1-19	8.05.190
6-2-2	6.10.020	8-1-20	8.05.200
6-2-3	6.10.030	8-1-21	8.05.210
6-2-4	6.10.040	8-1-22	8.05.220
6-2-5	6.10.050	8-1-23	8.05.230
6-2-6	6.10.060	8-1-24	8.05.240
6-2-7	6.10.070	8-1-25	8.05.250
6-2-8	6.10.080	8-1-26	8.05.260
6-2-9	6.10.090	8-1-27	8.05.270
6-2-10	6.10.100	8-1-28	8.05.280
6-2-11	6.10.110	8-1-29	8.05.290
6-2-12	6.10.120	8-1-30	8.05.300

Prior code	Herein	Prior code	Herein
8-1-31	8.05.310	9-5-2	9.25.020
8-1-32	8.05.320	9-5-3	9.25.030
8-1-33	8.05.330	9-5-4	9.25.040
8-1-34	8.05.340	9-5-5	9.25.050
8-1-35	8.05.350	9-5-6	9.25.060
8-1-36	8.05.360	9-5-7	9.25.070
8-1-37	8.05.370	9-5-8	9.25.080
8-1-38	8.05.380	9-5-9	9.25.090
8-1-39	8.05.390	9-5-10	9.25.100
8-2-1	8.10.010	9-5-11	9.25.110
8-2-2	8.10.020	9-5-12	9.25.120
8-2-3	8.10.030	9-5-13	9.25.130
8-2-4	8.10.040	9-5-14	9.25.140
8-2-5	8.10.050	9-5-15	9.25.150
8-2-6	8.10.060	9-5-16	9.25.160
8-2-7	8.10.070	9-5-17	9.25.170
8-2-8	8.10.080	9-5-18	9.25.180
8-3-1	8.15.010	9-5-19	9.25.190
8-3-2	8.15.020	9-5-20	9.25.200
8-3-3	8.15.030	9-5-21	9.25.210
8-3-4	8.15.040	9-5-22	9.25.220
8-3-5	8.15.050	9-5-23	9.25.230
8-3-6	8.15.060	9-5-24	9.25.240
8-4-1	8.20.010	10-1-1	10.05.010
9-1-1	9.05.010	10-1-2	10.05.020
9-1-2	9.05.020	10-1-3	10.05.030
9-1-3	9.05.030	10-1-4	10.05.040
9-1-4	9.05.040	10-1-5	10.05.050
9-1-5	9.05.050	10-1-6	10.05.060
9-1-6	9.05.060	10-1-7	10.05.070
9-1-7	9.05.070	10-1-8	10.05.080
9-2-1	9.10.010	10-1-9	10.05.090
9-2-2	9.10.020	10-1-10	10.05.100
9-2-3	9.10.030	10-1-11	10.05.110
9-2-4	9.10.040	10-1-12	10.05.120
9-3-1	9.15.010	10-1-13	10.05.130
9-3-2	9.15.020	10-1-14	10.05.140
9-3-3	9.15.030	10-1-15	10.05.150
9-3-4	9.15.040	10-1-16	10.05.160
9-3-5	9.15.050	10-1-17	Repealed by Ord. 26, 2000
9-4-1	9.20.010		
9-5-1	9.25.010	10-1-18	10.05.180

Prior code	Herein	Prior code	Herein
10-1-18	10.05.190	11-8-1	11.65.010
10-1-19	10.05.200	11-9-1 –	Chapter 11.45
10-1-19	10.05.210	11-9-4	
11-1-1	11.05.010	11-10-1	11.60.010
11-1-2	11.05.020	11-10-2	11.60.020
11-1-3	11.05.030		
11-1-4	11.05.040		
11-2-1	11.10.070		
11-2-2	11.10.010		
11-2-3	11.10.080		
11-3-1	11.15.010		
11-3-2	11.15.020		
11-3-3	11.15.030		
11-4-1 –	Chapter 11.20		
11-4-9			
11-5-1	11.25.010		
11-5-2	11.25.020		
11-5-3	11.25.030		
11-5-4	11.25.040		
11-5-5	11.25.050		
11-5-6	11.25.060		
11-6-1	11.30.010		
11-6-2	11.30.020		
11-6-3	11.30.030		
11-6-4	11.30.040		
11-6-5	11.30.060		
11-6-6	11.30.070		
11-6-7	11.30.080		
11-6-8	11.30.090		
11-6-9	11.30.100		
11-6-10	11.30.110		
11-6-11	11.30.120		
11-7-1	11.35.010		
11-7-2	11.35.020		
11-7-3	11.35.030		
11-7-4	11.35.040		
11-7-5	11.35.050		
11-7-6	11.35.060		
11-7-8	11.35.070		
11-7-9	11.35.080		
11-7-10	11.35.090		
11-7-11	11.35.120		

Table of Codified Resolutions

Res. Number	Res. Dated	Disposition
	10/10/2006	Copy and fax fees (2.25)

Ordinance Table and Disposition List

Ord. Number	Ord. Dated	Disposition
7-90, 1991	1/3/1991	Amends § 3-1-3(c), animal registration and licensing (3.05)
92-2, 1992		Adds § 11-7-11, mobile homes prohibited (11.35)
6-1-19, 1994	11/3/1994	Amends § 6-1-19, disorderly conduct (6.05)
6-1-20, 1994	11/3/1994	Adds § 6-1-20, petty theft (6.05)
6-1-21, 1994	11/3/1994	Adds § 6-1-21, shoplifting (6.05)
6-1-22, 1994	11/3/1994	Adds § 6-1-22, invasion of privacy (6.05)
6-1-23, 1994	3/16/1995	Adds § 6-1-23, sale of tobacco to minors (6.05)
10-1-16, 1994	11/3/1994	Adds § 10-1-16, requiring the operator of a motor vehicle to maintain liability insurance (10.05)
11-7-3(r), 1994	12/8/1994	Amends § 11-7-3(r), mobile home courts (11.35)
3-1-5, 1995	3/16/1995	Amends § 3-1-5, vicious and noisy dogs (3.05)
	4/6/1995	Adds § 11-7-3.1, mobile home courts (11.35)
	4/6/1995	Amends § 11-7-3, mobile home courts (11.35)
	9/7/1995	Adds §§ 6-1-1 (A) – (E), miscellaneous offenses (6.05)
10-1-4, 1995		Amends § 10-1-4, driving while under the influence of alcohol – unlawful (10.05)
10-1-14, 1995		Adds § 10-1-14, unlawful to operate a motor vehicle within the corporate limits of the town of Byron with a suspended, cancelled or revoked driver’s license (10.05)
10-1-17, 1995		Adds § 10-1-17, unlawful operation of a vehicle while under the influence of drugs (Repealed by 26, 2000)
10-1-18, 1995		Adds § 10-1-18, traffic regulation (10.05)
2-2-7 A, 1996		Amends § 2-2-7, police judge (2.10)
1, 1997	7/10/1997	Adds § 10-1-18, U-turn (10.05)
6-1-26, 1997	10/9/1997	Adds § 6-1-26, fireworks (6.05)
1, 1998	4/2/1998	Amends § 3-1-3(a), animal registration and licensing (3.05)
2, 1998	4/2/1998	Adds § 6-1-24, property destruction and defacement (6.05)
3, 1998	4/2/1998	Adds § 6-1-25, simple assault and battery (6.05)
	1/7/1999	Repeals § 3-1-5(h), vicious and noisy dog (3.05)
	1/7/1999	Amends § 3-1-2, animals running at large (3.05)
	6/10/1999	Amends § 2-1-1, council meetings (2.05)
	6/10/1999	Amends § 8-2-8(e), sewer fees (8.10)
	6/10/1999	Adds § 10-1-19, speed limits (10.05)
	7/31/1998	Adds § 6-1-27, curfew for minors under 17 (6.05)
	8/12/1999	Amends § 6-1-9, breach of peace (6.05)
	11/11/1999	Amends §§ 3-1-10, 3-1-11 and 3-1-12 (3.05)
	11/16/1999	Amends § 11-5-4, conditions for compliance permits (11.25)
	12/21/1999	Amends § 6-1-26, fireworks (6.05)
	12/21/1999	Amends § 8-1-28, increasing the water services deposit (8.05)
4, 2000	3/15/2000	Amends § 8-2-8, sewer fees (8.10)
5, 2000	3/23/2000	Amends § 6-1-1(A), definitions (6.05)

Ord. Number	Ord. Dated	Disposition
6, 2000	3/23/2000	Amends § 6-1-1(B), abandoned vehicles (6.05)
7, 2000	3/23/2000	Amends § 6-1-1(D), redemption period (6.05)
8, 2000	4/13/2000	Amends § 6-1-1(E), adoption of state statutes (6.05)
9, 2000	4/13/2000	Repeals § 6-1-5, public nudity (Repealer)
10, 2000	4/13/2000	Amends § 6-1-9, breach of peace (6.05)
11, 2000	4/13/2000	Repeals § 6-1-17(c); reletters §§ 6-1-17(d) and (e), minors prohibited from being under the influence or possessing alcoholic beverages (6.05)
12, 2000	5/11/2000	Amends § 6-1-18(c)(1), discharge of firearms (6.05)
13, 2000	5/11/2000	Amends § 6-1-19, disorderly conduct (6.05)
14, 2000	5/11/2000	Amends § 6-1-23, sale of tobacco to minors (6.05)
15, 2000	5/25/2000	Amends §§ 7-1-1, 7-1-2 and 7-1-3, municipal court and municipal court procedure (7.05)
16, 2000	5/25/2000	Amends § 7-1-3, fines (7.05)
17, 2000	5/25/2000	Amends §§ 7-2-1, 7-2-2, 7-2-3 and 7-2-6, police (7.10)
18, 2000	5/25/2000	Adds § 6-1-24, litter (6.05)
20, 2000	6/22/2000	Amends § 7-2-3, police (7.10)
21, 2000	6/22/2000	Repeals § 7-2-4, suspension of police officers (Repealer)
22, 2000	6/22/2000	Repeals § 7-2-5, suspension of police officers (Repealer)
23, 2000	6/22/2000	Amends § 7-2-6, chapter to apply (7.10)
24, 2000	6/22/2000	Amends § 8-1-18, standards for service pipes (8.05)
25, 2000	6/22/2000	Amends § 9-5-15, street cut repairs (9.25)
26, 2000	8/10/2000	Repeals § 10-1-17, unlawful operation of a vehicle while under the influence of drugs (Repealer)
27, 2000	8/10/2000	Amends § 11-7-3(r), mobile home courts (11.35)
28, 2000	8/10/2000	Repeals § 11-7-4(i); reletters § 11-7-4(j) to § 11-7-4(i), multiple-family dwellings (11.35)
29, 2000	8/10/2000	Amends § 11-7-4(i), multiple-family dwelling (11.35)
30, 2000	8/10/2000	Amends § 11-7-5(b), single-family dwellings (11.35)
31, 2000	8/10/2000	Repeals § 11-7-5(c), (d) and (e), single-family dwellings (11.35)
32, 2000	10/12/2000	Amends § 11-7-6, dangerous buildings (11.35)
33, 2000	10/12/2000	Amends § 11-7-11, mobile homes prohibited (11.35)
1, 2001	7/12/2001	Adds § 6-1-24, criminal trespass (6.05)
2, 2001	10/11/2001	Renumbers § 6-1-24 to § 6-1-25, litter (6.05)
3, 2001	10/11/2001	Amends § 6-1-24 to § 6-1-26, criminal trespass (6.05)
1, 2002	4/11/2002	Amends § 8-2-8, sewer fees (8.10)
2, 2002	5/23/2002	Amends § 3-1-2, animals running at large (3.05)
3, 2002	10/10/2002	Repeals § 1-1-11, police jurisdiction (Repealer)
4, 2002	10/10/2002	Amends § 3-1-5, vicious and noisy dog (3.05)
5, 2002	10/10/2002	Amends § 5-1-2, officers (5.05)
6, 2002	10/10/2002	Amends § 5-1-3, regular council meetings (5.05)
7, 2002	10/10/2002	Adds § 6-1-28, improper water use (6.05)
8, 2002	12/6/2002	Amends § 5-1-4, special council meetings (5.05)

Ord. Number	Ord. Dated	Disposition
1, 2003	8/14/2003	Adds § 10-1-19, display of state license plates (10.05)
2, 2003	8/14/2003	Amends § 6-1-17, minors prohibited from being under the influence or possessing alcoholic beverages (6.05)
3, 2003	8/14/2003	Amends § 6-1-18, discharge of firearms (6.05)
	8/12/2004	Abatement of dangerous buildings (6.10)
	11/11/2004	Amends § 2-1-1, council meetings (2.05)
1, 2007	4/24/2007	Amends § 8.20.010, mosquito control fees (8.20)
	6/26/2007	Adopts 2007-2008 budget (Special)
2, 2007	12/11/2007	Adds Ch. 8.25, refuse containers (8.25)
3, 2007	12/18/2007	Amends § 11-7-4(i) [11.35.040(i)], multiple-family dwellings (11.35)
4, 2007	12/18/2007	Amends § 11-7-5(b) [11.35.050(b)], single-family dwellings (11.35)
1, 2008	1/8/2008	Amends Title 11, land use and development (11.05, 11.10, 11.15, 11.20, 11.25, 11.30, 11.35, 11.40, 11.45, 11.50, 11.55, 11.60, 11.65, 11.70)
2, 2008	2/12/2008	Amends § 11.35.050, single-family dwellings (11.35)
3, 2008	4/22/2008	Amends § 8-1-28 [8.05.280], water rates (8.05)
4, 2008	6/10/2008	Amends § 2-1-1 [2.05.010], council meetings (2.05)
5, 2008	9/23/2008	Amends § 11-8-1 [11.65.010], compliance permit application and inspection fees (11.65)
6, 2008	11/25/2008	Amends § 8-1-28 [8.05.280], water rates (8.05)
1, 2009	4/28/2009	Amends § 3-1-3 [3.05.030], registration and licensing of animals (3.05)
2, 2009	4/28/2009	Amends § 8-1-28 [8.05.280], water rates (8.05)
3, 2009	7/14/09	Amends § 11.20.020, zoning (11.20)
4, 2009	7/14/09	Amends § 11.35.140, zoning (Repealed by 9, 2014)
5, 2009	7/14/09	Amends § 11.20.020, zoning (11.20)
6, 2009	8/23/09	Amends § 8-1-23 [8.05.230], water tap fees (8.05)
7, 2009	8/23/09	Amends § 8-2-1 [8.10.010], sewer connection fees (8.10)
8, 2009	10/13/09	Amends § 8-2-8 [8.10.080], sewer maintenance and operation assessments (8.10)
9, 2009	11/10/09	Grants natural gas franchise (Repealed by 3, 2010)
10, 2009	12/8/09	Amends § 2-1-1 [2.05.010], council meetings (2.05)
1, 2010	6/8/10	Adds § 8-1-28(A), irrigation water system (8.08)
2, 2010	6/29/10	Adds Ch. 1.01, code adoption (1.01)
3, 2010	11/9/10	Grants natural gas franchise; repeals Ord. 9, 2009 (8.30)
1, 2011	3/8/11	Amends § 11.35.020, subdivisions (11.35)
2, 2011	5/10/11	Amends § 9.25.200, street cut fees (9.25)
3, 2011	5/10/11	Amends § 8.10.010, sewer connection permits (8.10)
4, 2011	5/10/11	Amends § 8.05.230, water connection permits (8.05)
5, 2011	5/10/11	Amends § 11.20.020, zoning definitions (11.20)
6, 2011	9/13/11	Amends § 11.40.040, zoning (11.40)
7, 2011	9/13/11	Amends § 11.35.130, manufactured homes (11.35)
8, 2011	10/14/11	Amends § 11.20.020(41), zoning definitions (11.20)

Ord. Number	Ord. Dated	Disposition
9, 2011	12/13/11	Telecommunications franchise (8.40)
1, 2012	8/9/12	Amends § 8.05.200, delinquent water accounts (8.05)
2, 2012	8/9/12	Amends § 8.05.280, water rates (8.05)
1, 2014	3/11/14	Creates weed control zone (6.15)
2, 2014	3/11/14	Amends § 6.05.020, abandoned vehicles (6.05)
3, 2014	5/13/14	Amends § 6.05.060, rubbish (6.05)
4, 2014	5/13/14	Amends § 6.05.010, offenses definitions (6.05)
5, 2014	6/10/14	Amends § 8.20.010, mosquito control (8.20)
6, 2014	6/10/14	Amends § 2.25.010, copy and fax charges (2.25)
7, 2014	6/26/14	Amends Ch. 8.05, water (8.05)
8, 2014	6/26/14	Amends Ch. 8.10, sewer (8.10)
9, 2014	12/16/14	Repeals § 11.35.140, recreational vehicles (Repealer)
10, 2014	12/16/14	Adds § 6.05.360, recreational vehicles (6.05)
11, 2014	12/16/14	Amends § 11.40.040, schedule of uses (11.40)
12, 2014	12/16/14	Amends § 11.35.030, manufactured home courts (11.35)
13, 2014	12/16/14	Amends § 11.40.050, dimensional requirements (11.40)

– A –

Abandoned vehicles *See* **Offenses**
Accessory housing units *See* **Land use development**
Agricultural production *See* **Land use development**

Animals

Cruelty to *See* **Offenses**

Definitions

at large 3.05.010
 commercial kennel 3.05.010
 dog 3.05.010
 owner 3.05.010
 vaccinate 3.05.010

Dogs

female in heat 3.05.080
 impounding 3.05.060
 noisy 3.05.050
 pursuit 3.05.070
 vicious 3.05.050, 3.05.080

Leash law 3.05.040

License requirements 3.05.030

Nuisances 3.05.110

Registration 3.05.030

Running at large 3.05.020

Swine 3.05.090

Venomous snakes, amphibians, reptiles 3.05.100

Violation, penalty 3.05.120

Assault, battery *See* **Offenses**

– B –

Bed and breakfasts *See* **Land use development**

Board of adjustment *See* **Land use development**

Bonds

Town officers 2.10.020, 2.20.050

Breach of peace *See* **Offenses**

– C –

Campgrounds *See* **Land use development**

Code

Adoption

constitutionality 1.01.060
 effect on past actions, obligations 1.01.030
 enacted 1.01.010
 headings 1.01.050
 ordinances included 1.01.080
 reference
 applicability 1.01.040
 specific ordinances 1.01.070
 repeal of ordinances not included 1.01.020

Amendments 1.05.060

Constitutionality 1.05.080

Definitions

and 1.05.020
 bond 1.05.020
 chief of police 1.05.020
 computation of time 1.05.020
 county 1.05.020
 following 1.05.020
 gender 1.05.020
 in the town 1.05.020
 joint authority 1.05.020
 may 1.05.020
 month 1.05.020
 number 1.05.020
 oath 1.05.020
 occupant 1.05.020
 or 1.05.020
 person 1.05.020
 personal property 1.05.020
 preceding 1.05.020
 property 1.05.020
 real property 1.05.020
 reasonable notice 1.05.020
 reasonable time 1.05.020
 shall 1.05.020
 sidewalk 1.05.020
 signature 1.05.020
 street 1.05.020
 subscription 1.05.020
 tenant 1.05.020
 the state 1.05.020
 the town 1.05.020
 time 1.05.020
 town council 1.05.020
 writing 1.05.020
 written 1.05.020
 year 1.05.020

Designated, citation 1.05.010

Effective period 1.05.090

Ordinances

related 1.05.030
 repeal not to revive 1.05.070

Rules incorporated by reference 1.05.040

Violation, penalty

designated 1.05.100
 when not stated 1.05.050

Commercial businesses *See* **Land use development**

Community uses *See* **Land use development**

Copy, fax charges

Established 2.25.010

Correctional facilities *See* **Land use development**

Court *See* **Municipal court**

Criminal trespass *See* **Offenses**

Curfew *See* **Offenses**

– D –

Dangerous buildings*See also Land use development*

Abatement 6.10.050

Appeals

from town council 6.10.100

to town council 6.10.090

Authority 6.10.010

Defined 6.10.030

Emergencies 6.10.110

Enforcement 6.10.130

Hearing 6.10.080

Lien, expenses 6.10.120

Notice

contents 6.10.070

service, form 6.10.060

Prohibition 6.10.040

Short title 6.10.020

Violation, penalty 6.10.130

Disorderly conduct *See Offenses***Dogs** *See under Animals*

– E –

Elections

State law conformity 5.05.020

Electrical service

Acts of God 8.15.060

Facilities erection, maintenance 8.15.020

Franchise

fee 8.15.050

grant 8.15.010

Grantee's right to trim trees 8.15.030

Rates, prices 8.15.040

Excavations

Applicability to town personnel 9.25.240

Construction standards

applicability 9.25.090

clean up 9.25.130

general conditions 9.25.100

inspection, testing access 9.25.180

noise, dust, debris 9.25.160

open trenches 9.25.140

 preservation of monuments, property markers
 9.25.170

protection

adjoining property 9.25.110

watercourses 9.25.120

street cuts

fees 9.25.200

repairs 9.25.150

trench detail 9.25.190

Permits

application

contents 9.25.020

review, consideration 9.25.040

submittal 9.25.030

authority 9.25.060

denial, review 9.25.080

fees 9.25.070

form 9.25.050

required 9.25.010

Violation

nature of offense 9.25.230

penalty 9.25.220

persons liable 9.25.210

Expenditures

Appropriation required 2.15.010

– F –

Fees *See Specific Fee***Fences, hedges, walls** *See Land use development***Firearms**Discharge *See Offenses***Fireworks** *See Offenses*

– G –

Garbage*See also Refuse*Burning *See Offenses***Gas franchise**

Acceptance 8.30.110

Assignment 8.30.090

Authority

governmental 8.30.070

grant 8.30.010

Equipment 8.30.030

Exclusivity 8.30.100

Facilities

installation 8.30.020

map 8.30.040

Fee 8.30.060

Indemnity 8.30.050

Town rights 8.30.080

– H –

Home businesses *See Land use development*

– I –

Industrial, commercial developments *See Land use development*

Institutional uses *See* Land use development

Interference *See* Offenses

Invasion of privacy *See* Offenses

Irrigation

Irrigation water system 8.08.010

– L –

Land use development

Accessory buildings, large
permitted where 11.40.040

Accessory housing units
permitted where 11.40.040

Accessory uses
permitted where 11.40.040

Agricultural production
permitted where 11.40.040

Amendments
generally 11.60.010

protests 11.60.020

Applicability 11.15.020

Bed and breakfasts
permitted where 11.40.040

Board of adjustment
appeals, grounds, proceedings 11.55.030

- appointment, composition 11.55.010
- meetings, procedure, records 11.55.020
- powers, duties 11.55.040
- terms, removal, vacancies 11.55.010
- vote required 11.55.050
- Building height *See* Dimensional requirements
- Campgrounds
 - permitted where 11.40.040
- CG district
 - dimensional requirements 11.40.050
 - established 11.40.010
 - permitted uses 11.40.040
- CL district
 - dimensional requirements 11.40.050
 - established 11.40.010
 - permitted uses 11.40.040
- Commercial businesses
 - permitted where 11.40.040
- Commercial general district *See* CG district
- Commercial limited district *See* CL district
- Commercial recreation businesses
 - permitted where 11.40.040
- Commercial storage
 - permitted where 11.40.040
- Communication tower siting
 - performance standards 11.35.110
- Community uses
 - permitted where 11.40.040
- Compliance permits
 - application
 - form 11.25.030
 - inspection fees 11.65.010
 - time 11.25.020
 - conditions 11.25.040
 - duration 11.25.060
 - limited to represented development 11.25.050
 - revocation 11.25.070
 - when required 11.25.010
- Concurrent jurisdiction 11.15.010
- Correctional facilities
 - permitted where 11.40.040
- Dangerous buildings
 - performance standards 11.35.060
- Definitions
 - accessory housing unit 11.20.020
 - adult bookstore 11.20.020
 - adult cabaret 11.20.020
 - adult motion picture theater 11.20.020
 - agricultural production 11.20.020
 - applicant 11.20.020
 - bed and breakfast 11.20.020
 - boat 11.20.020
 - building 11.20.020
 - campground 11.20.020
 - commercial business 11.20.020
 - commercial recreation business 11.20.020
 - commercial storage 11.20.020
 - community use 11.20.020
 - converted bus 11.20.020
 - converted van 11.20.020
 - correctional facility 11.20.020
 - council 11.20.020
 - DEQ 11.20.020
 - development 11.20.020
 - dwelling 11.20.020
 - generally 11.20.010
 - highway commercial business 11.20.020
 - industrial and commercial development 11.20.020
 - industrial uses 11.20.020
 - institutional use 11.20.020
 - large accessory building 11.20.020
 - lot 11.20.020
 - manufactured home 11.20.020
 - manufactured home court 11.20.020
 - master plan 11.20.020
 - mobile home 11.20.020
 - modular home 11.20.020
 - motor home 11.20.020
 - multiple-family dwelling 11.20.020
 - outdoor recreation facility 11.20.020
 - permitted accessory use 11.20.020
 - pickup camper 11.20.020
 - recreational vehicles 11.20.020
 - residential religious use 11.20.020
 - residential schools 11.20.020
 - responsible party 11.20.020
 - rock products mine 11.20.020
 - salvage yard 11.20.020
 - setback 11.20.020
 - sexually oriented business 11.20.020
 - single-family dwelling 11.20.020
 - slaughterhouse 11.20.020
 - structure 11.20.020
 - subdivision 11.20.020
 - tent trailer 11.20.020
 - townhouse 11.20.020
 - trailer house 11.20.020
 - transportation uses 11.20.020
 - travel trailer 11.20.020
 - two-family dwelling 11.20.020
 - utility trailer 11.20.020
 - utility uses 11.20.020
 - zoning administrator 11.20.020
- Dimensional requirements
 - CG district 11.40.050

CL district 11.40.050
FP district 11.40.050
IL district 11.40.050
RG district 11.40.050
RL district 11.40.050
TR district 11.40.050
Energy conservation
performance standards 11.35.080
Enforcement *See* Violation

- Fences, hedges, walls
 - performance standards 11.35.090
- Floodplain district *See* FP district
- FP district
 - dimensional requirements 11.40.050
 - established 11.40.010
 - permitted uses 11.40.040
 - regulations 11.40.060
- Highway commercial businesses
 - permitted where 11.40.040
- Home businesses
 - performance standards 11.35.100
 - permitted where 11.40.040
- IL district
 - dimensional requirements 11.40.050
 - established 11.40.010
 - permitted uses 11.40.040
- Industrial, commercial developments
 - performance standards 11.35.010
- Industrial district *See* IL district
- Institutional uses
 - permitted where 11.40.040
- Liberal construction 11.15.030
- Light industrial uses
 - permitted where 11.40.040
- Livestock keeping
 - cleanliness of premises 11.70.040
 - definitions
 - animal 11.70.010
 - livestock 11.70.010
 - weed 11.70.010
 - fencing 11.70.080
 - insect spraying 11.70.060
 - minimum lot size 11.70.030
 - noise 11.70.070
 - permit
 - procedures 11.70.090
 - required 11.70.020
 - revocation, cancellation 11.70.100
 - violation 11.70.110
 - weed control 11.70.050
- Lot size, width *See* Dimensional requirements
- Manufactured home courts
 - performance standards 11.35.030
 - permitted where 11.40.040
- Manufactured homes
 - performance standards 11.35.130
 - single-family
 - permitted where 11.40.040
- Modular homes
 - permitted where 11.40.040
- Mobile homes
 - performance standards 11.35.120
- Multifamily housings
 - permitted where 11.40.040
- Multiple-family dwellings
 - performance standards 11.35.040
- Nonconformances
 - alteration, maintenance, repair 11.45.040
 - change of use 11.45.060
 - continuation 11.45.020
 - definitions
 - nonconforming lot 11.45.010
 - nonconforming structure 11.45.010
 - nonconforming use 11.45.010
 - destruction, reconstruction 11.45.050
 - discontinuance 11.45.070
 - enlargement, expansion, relocation 11.45.030
 - new construction 11.45.090
 - reduction of lot area 11.45.080
- Outdoor recreation facilities
 - permitted where 11.40.040
- Permit approval process
 - applicant's presence 11.30.030
 - further information 11.30.070
 - hearings
 - decision, approval, rejection 11.30.100
 - notice 11.30.090
 - required 11.30.080
 - initial action 11.30.060
 - inspections 11.30.020
 - manufactured home court plans 11.30.120
 - recommendation 11.30.050
 - review
 - initial 11.30.010
 - standard 11.30.040
 - subdivision plats, plans 11.30.110
- Permitted uses
 - CG district 11.40.040
 - CL district 11.40.040
 - FP district 11.40.040
 - IL district 11.40.040
 - RG district 11.40.040
 - RL district 11.40.040
 - TR district 11.40.040
- Planning commission
 - appointment, composition 11.50.010
 - compensation 11.50.030
 - expenditures 11.50.030
 - meetings 11.50.020
 - organization 11.50.020
 - powers
 - general 11.50.040
 - specific 11.50.050
 - staff, consultants 11.50.030
 - terms, removal, vacancies 11.50.010

Regulations
 authority 11.05.050
 based on master plan 11.05.020
 public hearing 11.05.030
 reason for enactment 11.05.010
 repeal of old code 11.05.040
 Residential general district *See* RG district
 Residential limited district *See* RL district
 Residential religious uses
 permitted where 11.40.040
 Residential schools
 permitted where 11.40.040
 RG district
 dimensional requirements 11.40.050
 established 11.40.010
 permitted uses 11.40.040
 RL district
 dimensional requirements 11.40.050
 established 11.40.010
 permitted uses 11.40.040
 Salvage yards
 permitted where 11.40.040
 Schedule of uses 11.40.040
 Setbacks *See* Dimensional requirements
 Single-family dwellings
 performance standards 11.35.050
 permitted where 11.40.040
 Subdivisions
 performance standards 11.35.020
 TR district
 dimensional requirements 11.40.050
 established 11.40.010
 permitted uses 11.40.040
 Transitional district *See* TR district
 Transportation uses
 permitted where 11.40.040
 Two-family dwellings
 permitted where 11.40.040
 Utility uses
 permitted where 11.40.040
 Violation
 defined 11.10.010
 discovery, action 11.10.020
 informal resolution 11.10.030
 notice 11.10.040
 other remedies 11.10.080
 penalty 11.10.070
 permit revocation 11.10.060
 referral to town attorney 11.10.050
 Water supply protection
 performance standards 11.35.070
 Zoning
 districts
 boundaries 11.40.030

established 11.40.010

map 11.40.020

Licenses

Animals 3.05.030

Light industrial uses *See* **Land use development**

Litter *See* **Offenses**

Livestock keeping *See* **Land use development**

– M –

Manufactured homes *See* **Land use development**

Marquees *See* Signs, marquees *under* **Streets, sidewalks**

Mayor

Election, appointment, removal 5.05.030

Term of office 5.05.010

Minors *See* **Offenses**

Mobile homes *See* **Land use development**

Mosquito control

Fees 8.20.010

Municipal court

Fines 7.05.030

Trial without jury 7.05.020

Witness summons 7.05.010

– O –

Offenses

Abandoned vehicles

 notices 6.05.030

 redemption period 6.05.040

 unlawful 6.05.020

Assault, battery 6.05.300

Assistance of marshal 6.05.200

Breach of peace 6.05.140

Criminal trespass 6.05.330

Cruelty to animals 6.05.110

Definitions

 antique motor vehicle 6.05.010

 curfew hours 6.05.340

 emergency 6.05.340

 establishment 6.05.340

 guardian 6.05.340

 highway 6.05.010

 house trailer 6.05.010

 motor vehicle 6.05.010

 operator 6.05.340

 parent 6.05.340

 police officer 6.05.010

 public place 6.05.340

 remain 6.05.340

 rubbish 6.05.010

 serious bodily injury 6.05.340

 trailer 6.05.010

transportable home 6.05.010
 years of age 6.05.340
 Discharge of firearms 6.05.230
 Disorderly conduct 6.05.240
 Disturbing assembly
 general 6.05.180
 religious 6.05.170
 Fireworks 6.05.310
 Garbage, burning 6.05.090
 Improper water use 6.05.350
 Injury to town property 6.05.070
 Interference
 with town employees 6.05.080
 with traffic 6.05.160
 Invasion of privacy 6.05.270
 Litter 6.05.320
 Minors
 curfew 6.05.340
 sale of tobacco 6.05.280
 under influence, possessing alcoholic beverages
 6.05.220
 Missiles 6.05.130
 Petty theft 6.05.250
 Property destruction, defacement 6.05.290
 Public drunkenness 6.05.120
 Recreational vehicles 6.05.360
 Resisting arrest 6.05.190
 Riot, inciting 6.05.150
 Rubbish 6.05.060
 Shoplifting 6.05.260
 State statutes adopted 6.05.050
 Unsanitary cellar, basement 6.05.210

Outdoor recreation facilities *See Land use development*

– P –

Parking

See also Traffic
 Impoundment 9.15.040
 No parking areas 9.15.050
 Time limits
 obstructions 9.15.020
 vehicles 9.15.010
 Violation, penalty 9.15.030

Permits

See also Permit approval process under Land use development
 Excavations 9.25.010

Planning commission *See Land use development*

Police

Applicability 7.10.060
 Duties 7.10.020

Judge

See also Town officers

jurisdiction, power, duties 2.10.070

Powers 7.10.030

Supervision 7.10.010

Property destruction, defacement *See Offenses*

Public drunkenness *See Offenses*

– R –

Recreational vehicles *See Offenses*

Refuse

Location of containers 8.25.010

Residential schools *See Land use development*

Resisting arrest *See Offenses*

Riot, inciting *See Offenses*

Rubbish, weeds *See Offenses*

– S –

Salvage yards *See Land use development*

Sewer

See also Water

Blocking, obstructing 8.10.060

Connection required when 8.10.040

Inspection 8.10.030

Permit required 8.10.010

Pipe dimensions 8.10.020

Property destruction 8.10.050

Rates 8.10.080

Violation, penalty 8.10.070

Shoplifting *See Offenses*

Signs *See Signs, marquees under Streets, sidewalks*

Speed limits *See under Traffic*

Streets, sidewalks

Sidewalks

dimension, material 9.05.020

driveway 9.05.050

grade 9.05.040

location, slope 9.05.030

maintenance 9.05.060

noncompliance, penalties 9.05.070

permit required 9.05.010

Signs, marquees

intrusion into public highways 9.10.010

permit application 9.10.030

pre-existing structures 9.10.020

violation, penalty 9.10.040

Street paving special improvement districts
9.20.010

Subdivisions *See Land use development*

– T –

Telecommunications franchise

- Acceptance 8.40.160
- Authority 8.40.030
- Complaint procedure 8.40.060
- Construction, maintenance 8.40.070
- Definitions
 - FCC 8.40.020
 - Federal Communications Commission 8.40.020
 - governing body 8.40.020
 - grantee 8.40.020
 - gross telephone subscription receipts 8.40.020
 - gross video subscription receipts 8.40.020
 - person 8.40.020
 - regular subscriber services 8.40.020
 - shall 8.40.020
 - town 8.40.020
- Favorable term incorporation 8.40.190
- FCC rules 8.40.080
- Fee 8.40.140
- Forfeiture 8.40.110
- Indemnification 8.40.050
- Police power 8.40.040
- Previous agreements terminated 8.40.180
- Receiver sales prohibited 8.40.150
- Renewal 8.40.100
- Severability 8.40.170
- Surrender 8.40.120
- Term 8.40.090
- Title 8.40.010
- Transfer 8.40.130

Theft *See* Petty theft *under* **Offenses****Town attorney**

- See also* **Town officers**
- Duties 2.10.060

Town boundaries

- Marked, maps filed 4.05.010
- Metes and bounds description 4.05.030
- Survey presumptive 4.05.020

Town clerk

- See also* **Town officers**
- Duties 2.10.050

Town council

- Allowance of claims, bills 2.05.180
- Call to order 2.05.060
- Election, appointment, removal 5.05.030
- Executive session 2.05.140
- Grounds for removal 5.05.080
- Journal of proceedings
 - duties of clerk 2.05.160
 - open for inspection 2.05.170

Meetings

- adjourned, recessed 2.05.030
- attendance required 5.05.070
- officer to attend 2.05.050
- regular 2.05.010, 5.05.040
- special 2.05.020, 5.05.050
- Order of business 2.05.080
- Ordinances
 - approval, record 2.05.120
 - introduction, passage 2.05.110
 - style 2.05.130
- Petitions, communications 2.05.100
- Presiding officer 2.05.040
- Quorum 2.05.070, 5.05.060
- Record of names, movers of motions 2.05.150
- Resolutions, by-laws
 - approval, record 2.05.120
 - style 2.05.130
- Rules of order 2.05.090

Town officers*See also* Specific Officer

Appointment 2.10.010

Bonds

- amendments 2.20.070
- amounts designated 2.20.050
- filing 2.20.060
- form 2.20.040
- premium paid 2.20.030
- required 2.20.010
- sureties, bondsmen qualifications 2.20.020
- Election, appointment, removal 5.05.030
- Oath, bond 2.10.020
- Salaries 2.10.030

Town publications

Minutes of proceedings, council, etc. 2.15.020

Town seal

- Description 1.10.010
- Use 1.10.020

Town treasurer*See also* **Town officers**

- Duties 2.10.040
- Publication of report 2.15.030

Traffic*See also* **Parking**

- Arrest procedures, court appearance, citations 10.05.070
- Definitions
 - alley 10.05.030
 - court 10.05.030
 - highway 10.05.030
 - justice of the peace 10.05.030
 - local authorities 10.05.030
 - roadway 10.05.030

street 10.05.030
 Display of license plates 10.05.210
 Driving
 permitting unauthorized persons 10.05.150
 under influence of alcohol 10.05.040
 with suspended, cancelled, revoked driver's
 license 10.05.140
 Liability insurance required 10.05.160
 Operation regulations 10.05.180
 Parking signs 10.05.050
 Speed limits 10.05.200
 Traffic citations
 appearance 10.05.090
 disposition, records 10.05.110
 forms 10.05.100
 illegal cancellation, audits, publication
 10.05.120
 when deemed lawful complaint 10.05.130
 when given, contents 10.05.080
 U-turns 10.05.190
 Uniform act
 adopted 10.05.010
 exceptions 10.05.020
 Violation, penalty 10.05.060
Transportation uses See Land use development
Trash See Refuse

– U –

Utility uses See Land use development

– W –

Water

See also Sewer
 Additional pumping stations 8.05.360
 Commercial use 8.05.160
 Connecting loops, cross ties 8.05.350
 Connection permit required 8.05.230
 Cross connections 8.05.170
 Definitions
 water service line 8.05.010
 water utility 8.05.010
 water utility customer 8.05.010
 Department
 action 8.05.050
 powers 8.05.040
 Extension outside corporate limits
 authority of governing body 8.05.210
 findings 8.05.220
 Improper use *See Offenses*
 Installation of mains, new subdivisions
 cost 8.05.310

generally 8.05.300
Irrigation See Irrigation
 Main extension contracts
 generally 8.05.320
 period of subdivider's reimbursement rights
 8.05.340
 Maintenance of pipes, fixtures, appliances 8.05.110,
 8.05.270
 Management, maintenance 8.05.030
 Meters
 frost-proofing required 8.05.370
 maintenance 8.05.270
 tampering, interfering with 8.05.380
 Not to be used off-premises 8.05.100
 Pits
 frost-proofing required 8.05.370
 tampering, interfering with 8.05.380
 Rates, charges 8.05.280
 Reservation of rights 8.05.020
 Right of entry for inspection 8.05.240
 Right to suspend use 8.05.140
 Rules, regulations 8.05.060, 8.05.290
 Service
 disconnection 8.05.390
 discontinuance
 delinquent accounts 8.05.200
 failure to comply with regulations 8.05.190
 expenses of extending around, through vacant
 property 8.05.330
 line installation 8.05.260
 pipe
 maintenance by utility customers 8.05.110
 standards 8.05.180
 Shut off
 during fires 8.05.120
 notice to property owners 8.05.150
 repairs 8.05.250
 Supply protection *See Land use development*
 Utility
 damage to property, equipment 8.05.070
 depositing material which will obstruct, pollute
 8.05.090
 trespass, interference with 8.05.080
 Violation, penalty 8.05.390
 Waste prohibited 8.05.130
Weed control zone
 Boundaries 6.15.010
 Definitions
 declared weed 6.15.020
 landscape control plan 6.15.020
 noxious weed 6.15.020
 weed 6.15.020
 Owner, occupant duties 6.15.030

Prohibited acts 6.15.040
Violation, penalty 6.15.050

- Z -

Zoning *See* **Land use development**