

ORDINANCE 2016.01

AN ORDINANCE TO AMEND TITLE 27, CHAPTER 27.04 OF THE TOWN OF KAYCEE REVISED ORDINANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF KAYCEE, WYOMING;

Title 27, Section 27.04 of the revised ordinances of the Town of Kaycee is hereby amended to read as follows:

Chapter 27.04

LANDFILL

Sections:

27.04.010	Purpose
27.04.020	Sanitary and safety measure
27.04.030	Definitions of garbage and refuse
27.04.040	Occupied premises
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27.04.060	Items not accepted for collection
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27.04.080	Burning prohibited
27.04.090	Depositing waste and trash in designated pit
27.04.100	Violation of ordinance deemed a nuisance
27.04.110	<i>Per se</i> nuisance
27.04.120	Investigation and determination of abatement.
27.04.130	Notice to abate, service, time allowed to abate.
27.04.140	Failure to obey abatement notice
27.04.150	Penalty for obstruction of abatement
27.04.160	Removal of weeds
27.04.170	Removal of weeds – enforcement, compliance, and notice
27.04.180	Removal of weeds – by municipality
27.04.190	Removal of weeds – penalty
27.04.200	Town landfill
27.04.210	Landfill rules and regulations
27.04.220	Unlawful to dump garbage except at landfill
27.04.230	Penalty
27.04.240	Severability

27.04.010 Purpose: The purpose of this ordinance is to provide for the removal and disposal of garbage and refuse, providing definitions, prohibiting burning, providing standards, authorizing the Town of Kaycee ("Town") to contract for removal of garbage, providing fees and billings, providing for garbage receptacles and containers and authorizing the Town to condemn receptacles not in conformity and to declare and abate nuisances, providing for the disposal of demolition or construction debris, providing for penalties for violations, providing for effective date and repealing any ordinance in conflict.

27.04.020 Sanitary and safety measure: This ordinance is declared to be a sanitary and safety measure, enacted for the promotion and protection of the public health and safety. The Mayor, Town Council, and its designees are hereby authorized, empowered and directed to use every means at its disposal, including its police powers for the enforcement thereof.

27.04.030 Definitions of garbage and refuse: The word "GARBAGE" as herein defined shall be taken and held to mean and include any and all kitchen refuse, rejected or waste food, meats, fish fowl, offal, carrion, and other refuse, accumulation of fruit, vegetable, or anything whatsoever which may decompose and become foul, offensive, unsanitary or dangerous to health. The word "REFUSE" as herein used is hereby defined and shall be taken as and held to mean and include, any and all hay, straw, shavings, packing materials, paper, rubbish, containers, boxes, glass, cans, bottles and any other material commonly known as rubbish or refuse of any kind or character or by any name known, except as herein excluded.

27.04.040 Occupied Premises: Any place of abode, dwelling, or any place of business in operation shall be prima facie evidence that refuse and/or garbage is being produced and accumulated on said premises, and it shall be the duty of the property owner and other persons occupying any premises or business to maintain compliance with the provisions of this Ordinance. The Mayor and/or Town Council shall designate and appoint one or more persons as representatives of the Town to inspect and supervise said premises and to enforce the provisions of this Ordinance; and, if necessary, remove therefrom any and all refuse and/or garbage found thereon and assess the costs of such removal to the responsible party and/or as a lien upon the property until any such costs are paid in full. Any accumulation of refuse and/or garbage on any premises in the Town is hereby declared to be a nuisance and is prohibited hereunder.

27.04.050 Collection; receptacles: The Town will collect and dispose of all garbage and refuse bagged and deposited in approved containers. However, the Town shall the right to contract such collection service to a private contractor in the future. It shall be the duty of every owner, agent, lessee, or renter or purchaser of any building or premises, commercial or residential within the corporate limits to provide and maintain in good order and clean condition, one or more receptacles as determined necessary. No such receptacles shall be allowed to overflow, or be so maintained that garbage or refuse be blown or scattered in any way. All receptacles shall be fitted with a proper lid, and secured against animals and wind. Except as otherwise provided, all garbage and refuse

shall be properly deposited in approved receptacles in moisture proof, securely tied bags or containers, and shall be kept in no other place.

27.04.060 Items not accepted for collection: Items which will not be accepted in trash receptacles or dumpsters include hazardous materials (oil, paint, solvent, etc.), batteries, tires, wheels, rims, chunks of concrete, pieces of iron, railroad ties, appliances with Freon or other harmful chemicals. Any trash receptacle which is found to have any of the banned articles or substances in it will not be emptied, and the person responsible for the property to which the receptacle or dumpster is assigned will be required to remove the offending articles.

27.04.070 Fees: Fees for the services provided pursuant to this Ordinance shall be in such amount as the Town Council shall set by Resolution. However, no resolution regarding such fees shall be passed without at least one public hearing. Unless the Council by resolution shall otherwise provide, every occupied place of abode and business within the Town shall pay to the Town for the supervision and removal of garbage and refuse. However, any business that contracts with a professional contractor for garbage and refuse removal may petition the Town Council for a waiver of the garbage fee. In addition, any residence or business occupied or not, within the corporate limits that is using water and sewer utility service must pay the garbage fee. The Town reserves the right to adjust fees on an as-needed basis from time to time to accurately represent the costs of services provided.

27.04.080 Burning Prohibited: It shall be unlawful for any person without prior approval of the Kaycee Chief of Police or Town Council to burn trash, debris, or waste material of any character within the Town limits or at the Town landfill. This provision does not apply to authorized Town personnel.

27.04.090 Depositing waste and trash in designated area: It shall be unlawful for any person to deposit, unload, or dump any trash, debris, or waste material of any character at the Town landfill except in the area located at the landfill for that purpose.

27.04.100 Violation of ordinance deemed a Nuisance: Any violation of this ordinance is hereby deemed to constitute a nuisance, and no person shall cause, or by in any manner whatsoever instrumental in causing or permitting any nuisance of any kind within the limits of the Town or its police jurisdiction.

27.04.110 Per se nuisance: Violation of the following provisions shall constitute a *per se* nuisance. However, the list of provisions is not all inclusive. Therefore, the Town Council may also deem other actions or inactions to be a nuisance in accordance with Section 27.04.130.

- a) No person shall permit any foul or nauseous liquid or substance of any kind whatsoever to be discharged in any way into or upon any ground or premises, or into any street, alley or other public place.

- b) No person shall keep or collect, or cause to be used, any state or putrid fat, grease, or objectionable matter of any kind.
- c) No junk, trash or other matter shall be accumulated or stored in any yard or on any premises, in such a way or place as to appear unsightly, or constitute a fire hazard.
- d) No person shall permit any building grounds, vehicles or premises to be in such condition as to be offensive or a nuisance to any person or to the neighborhood.
- e) It shall be the duty of every person whether owner, lessee or renter of any vacant lot, building or premises, including places of business, hotels, restaurants, dwelling houses, apartments, tenements or other establishments, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of material other than those ordinarily attendant upon the use for which said premises are legally intended.
- f) No refuse or garbage shall be stored or accumulated anywhere in the Town or thrown or swept into any street, gutter, sewer, intake, alley, vacant lot, pond, or other property. The occupants of any residence or business establishment shall be held responsible for keeping the sidewalk in front of such buildings free from any accumulation of refuse and/or garbage. The owner or manager of any business shall be held liable for any violation hereof.

27.04.120 Investigation and Determination of Nuisance: The Town Council shall have authority, and it is hereby made its duty, to investigate, in person or through its officers, or committees, the conditions of all building, barns, outhouses, corrals, or other enclosures, in the Town for the purpose of determining whether the same or such construction constitute a nuisance and whether the abatement and removal thereof, are necessary for the preservation of the public health, and the safety of the Town, from fire, unsightliness, or other causes under the jurisdiction of the Town Council. Upon such investigation, and a report thereupon to a regular or special meeting of the Town Council, such matter shall be considered as follows:

- a) The necessity of the abatement or removal of any construction or nuisance, as defined above.
- b) A full description of the property and the lot and block upon which situated, and upon which such construction is erected.
- c) The names of the person owning or occupying the same, if known, otherwise in whom the legal title rests.
- d) A finding of fact, whether such construction or situation constitutes a nuisance, and a recommendation as to the abatement and removal of the same, or otherwise, which shall be made a minute in the records of the proceedings of the Town Council.

27.04.130 Notice to abate, service, and time allowed to abate: If the Town Council shall find and recommend that the construction or situation defined in Section 21.04.130 is a nuisance, and should be removed and abated, a notice shall be given to the owner or occupant, containing a description of the construction or situation, upon what

lot or block situated, requiring the abatement and removal of the same within twenty days from the service of such notice in person, to remove, destroy and abate such construction or situation so declared a nuisance. If service in person cannot be made, publication will be made in two issues of the official paper of the Town, giving the required twenty days notice for the abatement and removal of such nuisance as described in the notice.

27.04.140 Failure to obey abatement notice: Upon failure, neglect or refusal of the owner or occupant of such premises or construction referred to in this ordinance to remove and abate the same under the terms of the notice, and within the prescribed time set, the Town Council shall without further proceedings, order and direct the police officers of the Town, to abate and remove such nuisances at the expense of the owner or occupant, or at the expense of the Town, which order shall be final and conclusive as against all persons. The police officers shall thereupon proceed to tear down, destroy, remove, and abate such nuisance and use all reasonable means and force so to do, and shall keep a just and accurate account of the expenses incidental thereto, and return the same to the Town clerk to be presented to the Town Council for further action thereon. The Town Council at a regular meeting shall consider such expenses, and by resolution finally determine actual cost of removal and abatement. Such costs will then be assessed against the lot and block from which such nuisance was removed and will serve as a special assessment and be collected in like manner as other Town taxes. The Town clerk shall thereupon certify the same to the county clerk, in the manner prescribed by law, for further proceedings as required by law for the collection thereof as a Town tax.

27.04.150 Penalty for obstruction of abatement: Any person or employee or the owner or occupant, of any premises, upon which any nuisance is ordered abated, who shall in any manner obstruct the removal, abatement or destruction of the same, or who shall fail to remove and abate such nuisance after notice as is provided in this ordinance shall be deemed guilty of maintaining a nuisance and shall upon conviction, in addition to the special taxes and assessments herein provided, be punished in accordance with Section 27.04.230.

27.04.160 Removal of Weeds: It shall be the duty of any owner, occupant, or agent, having control of any lot or premises, to mow or otherwise destroy and remove weeds that may grow upon such lot or premises, as well as upon any parking space between such property and the street and upon that portion of any alley adjoining such premises.

27.04.170 Removal of weeds – enforcement, compliance and notice: It shall be the duty of the officer appointed by the governing body to require compliance with this article. The owner, agent or occupant of any premises shall be held liable for such compliance; and if such person shall refuse or fail to destroy and remove any weeds upon any premises under his/her care and control, he shall be served with verbal or written notice requiring removal of such weeds within three days from the receipt of such notice.

27.04.180 Removal of weeds – by municipality: Upon failure to comply with any notice given pursuant to Section 27.04.180, the Town may have such weeds

destroyed and removed, charging the cost thereof as a special bill for refuse removal. Should such bill not be paid promptly, the same shall become a lien against such property and collectible as such.

27.04.190 Removal of weeds – penalty: Any person responsible for such failure to comply with the provisions of this article shall be punished in accordance with Section 27.04.240.

27.04.200 Town landfill: The Town Council shall provide by resolution for a place without the limits of the Town of Kaycee to be known and designated as the Town landfill, which place may be altered and changed from time to time by resolution of the said Town Council; provided, said Town landfill shall be within a reasonable distance of the Town.

27.04.210 Rules and regulations: The administrative official of the Town placed in charge of the Town landfill is hereby authorized to establish rules and regulations for the operation of the Town landfill and its use by the public. Such rules and regulations shall be approved by a vote of the Town Council.

27.04.220 Unlawful to dump garbage except at landfill: It shall be unlawful for any person or persons, firm or corporation hereafter to deposit or cause to be deposited within the limits of the Town of Kaycee, or within a distance of one-quarter of a mile of the Town limits aforesaid, any filth, garbage or refuse whatsoever, except at the Town dump grounds mentioned above. Any person or persons, firm or corporation violating the provision of this section shall be deemed guilty of littering and shall be fined in accordance with Section 27.04.240.

27.04.230 Penalty: Any person convicted of being in violation of this ordinance shall be fined in the sum not to exceed five hundred dollars, and all costs of the criminal proceeding.

27.04.240 Severability: If any section, subsection, sentence, phrase, or clause of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications and to this end the provisions of this Ordinance are declared to be severable.

EFFECTIVE DATE: This amended ordinance shall become effective immediately upon publication in a newspaper of general circulation with the Town of Kaycee or, if adopted by emergency ordinance, shall become effective upon proclamation of the Mayor and as soon thereafter as is practical, shall then be published and posted in the manner required by law. This Ordinance as written in its entirety will be available for public review at the Kaycee Town Hall, 268 Nolan Avenue, Kaycee Wyoming, during regular business hours.

PASSED AND APPROVED the _____ day of _____, 2016 on the 1st reading.
PASSED AND APPROVED the _____ day of _____, 2016 on the 2nd reading.
PASSED APPROVED, AND ADOPTED the _____ day of _____, 2016 on
the 3rd reading by the Mayor and Council of the Town of Kaycee, Wyoming.

Mayor Tom Knapp

ATTEST:

Kristen LeDoux, Town Clerk