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AN ORDINANCE REVISING, CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE TOWN OF COKEVILLE, COUNTY OF LINCOLN, STATE OF WYOMING.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF COKEVILLE:

TITLE I

GOVERNMENT ORGANIZATION

CHAPTER 1

ORDINANCES

1-101. NAME OF CODIFICATION. The ordinances contained herein shall be known as the “REVISED ORDINANCES OF THE TOWN OF COKEVILLE, WYOMING, 2020”, but shall be cited and referred to herein as the “REVISED ORDINANCES OF COKEVILLE.”

1-102. REPEAL OF EXISTING ORDINANCES. All ordinances or parts of ordinances in conflict with the provisions of the REVISED ORDINANCES OF COKEVILLE are hereby repealed, subject to the exceptions of Section 1-103 of this Chapter.

1-103. EFFECT OF GENERAL REPEAL. The REVISED ORDINANCES OF COKEVILLE, shall not affect any right which has accrued, any duty imposed, any penalty incurred, any tenure of office of any person holding office at the time the Revised Ordinances take effect, or any action or proceeding commenced under or by virtue of the ordinance repealed; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance theretofore repealed or superseded. Ordinances heretofore in force, such as are of a private, local or temporary nature, including grants, dedications, bond issues, or special levies for local assessments do not come within the scope of the repeal clause contained in Section 1-102 of this Chapter.

1-104. CONSTRUCTION OF ORDINANCES. In the construction of all ordinances of the Town of Cokeville, Wyoming, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the ordinance:

(a) GENERAL RULE: All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

(b) GENDER, SINGULAR AND PLURAL: Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males, and every word importing the singular number only shall extend and be applied to several persons or things as well as to one person or thing, and every word importing the plural number only shall extend and be applied to one person or thing as well as to several persons or things;

(c) PERSON: The word “person” shall extend and be applied to firms, corporations, or voluntary associations, as well as to the individual, unless plainly inapplicable.

(d) TENSES: The use of any verb in the present tense shall include the future when applicable.

(e) ACTS BY AGENTS: When an ordinance requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

1-105. WHEN RULES OF CONSTRUCTION SHALL NOT APPLY. The rules of construction

set forth in Section 1-104 shall not be applied to any ordinance which shall contain any express provision excluding such construction, or when the subject matter or context of such ordinance may be repugnant thereto.

1-106. WHEN ORDINANCES TAKE EFFECT. All ordinances passed by the Town Council of the Town of Cokeville shall take effect and be in force from and after they are duly published by posting a certified copy thereof in the Town Hall for at least ten days. In cases of emergency, or when an ordinance specifically provides for its own effective date, such an ordinance shall take effect and be in force upon the date of passage or the date so specified.

1-107. WHEN REVISED ORDINANCES TAKE EFFECT. The Revised Ordinances of the Town of Cokeville, 2020, shall be in full force and effect from and after the expiration of the ten-day publication period following passage and approval of the Town Council.

1-108. PENALTY, WHERE NOT OTHERWISE PROVIDED. Whenever in this Code or in any ordinance, resolution or regulation promulgated by any officer or agency of the city under authority vested in him or it by law or ordinance, any act is prohibited or is declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance, resolution or regulation shall be punished by either a fine of not more than seven hundred fifty (750) dollars or by imprisonment for a period of not more than six months, or both; provided, that the imposition of any such fine or imprisonment shall not bar institution of appropriate legal actions or proceedings by the city to restrain, correct or abate the violation, nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine or imprisonment. Except as otherwise provided, each day any violation of this Code or any such ordinance, resolution or regulation continues shall constitute a separate offense.

1-109. SEVERABILITY WHERE NOT OTHERWISE PROVIDED. The Revised Ordinances of Cokeville, and the various parts, sections, and clauses thereof, where not otherwise provided, are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, it is hereby provided that the remainder of the Revised Ordinances of Cokeville shall not be affected thereby.

1-110. PUBLICATION OF REVISED ORDINANCES OF COKEVILLE. Within a reasonable time from and after the date of enactment of the Revised Ordinances of Cokeville, the same shall be published in a loose-leaf type booklet or available in electronic format. A sufficient number of copies shall be published to enable distribution of the Revised Ordinances of Cokeville to all Town Officers, public and school libraries. Any other agency or individual may obtain a copy after paying the cost of publication of said ordinances, or receive them free by electronic format.

1-111. REVISION OF REVISED ORDINANCES OF COKEVILLE. The Town shall, once each year, revise the Ordinances of the Town of Cokeville. The Town will make available to the public, upon request, all ordinances passed subsequent to the general revision of 2020, and update hard copies and electronic formats of the Revised Ordinances of Cokeville as needed.

1-112. EVIDENCE IN COURT. The Revised Ordinances of Cokeville, together with any subsequent revisions added in compliance with the provisions of this Chapter, shall be received in all actions and proceedings as prima facie evidence of the Ordinances of the Town of Cokeville of a permanent nature in force and effect as of the date of each Attorney's certificate.

TITLE I
GOVERNMENT ORGANIZATION

Chapter 2

Mayor

1-201. MAYOR AS CHIEF EXECUTIVE. The mayor shall be the chief executive and administrative officer of the Town government, shall enforce the laws of the Town, and require the faithful performance of all administrative duties.

1-202. MAYOR TO APPOINT ADMINISTRATIVE OFFICERS. It shall be the duty of the mayor to appoint competent, qualified officers and employees to administer the needs of the Town. The mayor shall have the power to dismiss, suspend, and discipline all such officers and employees under his control.

1-203. BUDGET REPORT. The mayor shall assemble estimates of the financial needs and resources of the Town of Cokeville for each ensuing year, and shall prepare a program of activities within the financial power of the Town, embodying the same in a budget document with proper supporting schedules and analysis. The completed report shall then be annually presented to the Town Council.

1-204. POWERS OF MAYOR. As chief executive, the mayor shall have the following powers:

(a) PRESCRIBE RULES: The Mayor shall have the power to prescribe such rules and regulations as he shall deem necessary or expedient for the conduct of administrative agencies or town officers subject to his authority, and he shall have the power to revoke, suspend, or amend any rules or regulations of an administrative agency within the Town by whomever prescribed.

(b) OVERRULE OFFICIALS: The Mayor shall have the power to act and set aside any action taken by a Town Official, except members of the council, and may supersede him in the functions of his office.

(c) DELEGATE DUTIES: The Mayor shall have the power to direct any department, division, or bureau to perform the work for any other department, division or bureau.

(d) APPOINT COMMITTEES: The Mayor shall have the power to designate such committees and the officers thereof as he shall find necessary for the proper consideration of administrative problems. Such committees shall meet at the request of the mayor and shall make such recommendations on matters referred to them as they shall find necessary for the best interests of the Town.

1-205. MAYOR TO PRESIDE AT TOWN COUNCIL MEETINGS. It shall be the duty of the mayor to preside at all meetings of the Town Council, but in case of his absence, one of the Councilmen shall be chosen to act as Mayor Pro Tempore.

1-206. VOTING POWER OF MAYOR. The mayor shall have one vote, and no more, upon all questions coming before the council.

1-207. SIGNING OF CONTRACTS. The mayor shall sign all contracts, leases, bonds, ordinances and other writing on behalf of the Town authorized by the Town Council or required by law.

1-208. APPOINTING MEMBER TO COUNCIL. When a vacancy occurs on the Town Council for any reason, the mayor shall appoint someone to fill the vacancy, as approved by the Town Council, until a successor has been elected and qualified.

TITLE I
GOVERNMENT ORGANIZATION

Chapter 3

Town Council

1-301. **REGULAR MEETINGS.** The Town Council shall hold regular meetings on the second Tuesday of each month at 7:00 o'clock p.m., provided however, that when the day fixed for any regular meeting of the Town Council falls upon a day designated by law as a national, state or legal holiday, such meeting shall be held at the same hour on the next succeeding day if the same be not a holiday. All regular meetings of the Town Council shall be held in the Town Hall in and for the Town of Cokeville, Wyoming.

1-302. **SPECIAL MEETINGS.** The mayor shall call special meetings of the Town Council whenever, in his opinion, public business may require it, or within 24 hours of the express written request of any two members of the Council. Whenever a special meeting shall be called, each member of the Town Council shall be so notified, either in person or by notice in writing left at his place of residence, at least 12 hours before the meeting starts. Said notice shall state the date and hour of the meeting, the purpose for which the meeting is called, and no business shall be transacted thereat except such as is stated in the notice.

1-303. **AGENDA.** All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council shall be delivered by noon the Tuesday prior to each Council meeting to the Town Clerk, whereupon said Clerk shall immediately arrange a list of such matters according to the order of business and furnish each member of the Council, the Mayor, and Town Attorney, with a copy of the same, as far in advance of the meeting as time for preparation will permit.

1-304. **CALL TO ORDER.** The mayor, or in his absence, the acting Mayor, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the mayor or acting Mayor, the Town Clerk shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the Council who are present. Upon the arrival of the mayor or acting Mayor, the temporary chairman shall relinquish the chair upon the conclusion of the business immediately before the Council.

1-305. **ROLL CALL.** Before proceeding with the business of the Council, the Town Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes.

1-306. **QUORUM.** A simple majority of the Town Council shall constitute a quorum at any regular or special meeting of the Town Council. In the absence of a quorum, the presiding officer shall postpone the meeting to a date certain in the near future. The Cokeville Town Council shall consist of a Mayor and four councilmen.

1-307. **ORDER OF BUSINESS.** The business of the Council shall be taken up for consideration and disposition generally in the following order, or as approved by the Council:

- (a) Roll call
- (b) Pledge of Allegiance
- (c) Approval of minutes of previous meeting
- (d) Awards and Public Recognition
- (e) Unfinished business
- (f) New business

- (g) Appropriations
- (h) Public comment / communications
- (i) Resolutions / Ordinances
- (j) Reports of officers, boards, and committees
- (k) Adjournment.

Procedure not otherwise covered herein shall be generally governed by ‘Roberts Rules of Order.’ Nothing in this ordinance precludes the Town Council to conduct meetings as deemed appropriate by the Council.

1-308. MEETINGS OPEN TO PUBLIC. All meetings of the Town Council shall be open to the public.

1-309. DECORUM. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the presiding officer, barred from further audience before the Council, unless permission to continue be granted by majority vote of the Council.

1-310. SILENCE CONSTITUTES AFFIRMATIVE VOTE. Unless a member of the Council states that he is not voting, his silence shall be recorded as an affirmative vote.

1-311. ADJOURNMENT. A motion to adjourn shall always be in order, and may be decided without debate. In the absence of such a motion, the presiding officer may declare the meeting to be adjourned when there is not further business to come before the body.

1-312. COUNCIL TO ACT BY ORDINANCE OR RESOLUTION. The Town Council shall act only by ordinance or resolution, which shall be introduced in writing, and all ordinances and resolutions except ordinances making appropriations, shall be confined to one subject matter which shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read on three separate days. The final reading shall be in full unless the measure shall have been printed or typewritten and a copy thereof furnished to each member prior to such reading. The ayes and nays shall be taken on the passage of all ordinances and resolutions and entered on the journal of the proceedings of the council, and every ordinance and resolution shall require, on final passage, the affirmative vote of a majority of all the members. No member shall be excused from voting except on matters involving considerations of his official conduct or where his financial interests are involved.

1-313. SIGNING BY MAYOR AND CLERK. Upon final passage, every ordinance shall be signed by the mayor, countersigned by the clerk, and recorded in a book kept by the clerk for that purpose.

1-314. DUTIES OF MEMBERS OF COUNCIL. It shall be the duty of each member of the council to attend all meetings of the council. He shall carry out in an efficient manner those duties assigned to him by the council and by the mayor. Each member of the council shall have one vote upon all questions coming before the council.

1-315. SALARIES OF MAYOR AND COUNCILMEN. The salaries of the Mayor and Councilmen of the Town of Cokeville shall be:

- (a) Mayor--\$150.00 per month. (Both effective 1-1-2020)
- (b) Councilmen--\$60.00 for each regular or special meeting attended.

TITLE I
GOVERNMENT ORGANIZATION

Chapter 4

Elections

1-401. ELECTION CODE. All applicable sections of the Wyoming Election Code, Wyoming Statute Sec. 22-1-101 through 22-27-101, as amended, are hereby adopted by reference and incorporated into this section as fully as if completely set out herein.

One copy of such provisions shall be kept on file in the office of the Town Clerk where it shall be available for inspection by the public during the normal office hours of the Town Clerk.

1-402. ELECTIVE OFFICERS. At each Town election, one Mayor and two Town Councilmen shall be elected. In case of any vacancy in the Council, said vacancy shall be filled at the next municipal election, the person so elected to fill such vacancy for the balance of the regular term of the member whose place is thereby vacated shall serve for the unexpired portion of the term.

1-403. DISORDERLY CONDUCT. If any person in the Town of Cokeville conducts himself in a disorderly manner at any municipal election, he may be arrested without a warrant.

TITLE I
GOVERNMENT ORGANIZATION
Chapter 5
Appointive Officers

1-501. TOWN CLERK. The mayor, with the consent and approval of the Town Council, shall appoint a Town Clerk, who shall hold office for a term of one year, or until a successor is appointed and qualified.

1-502. DUTIES OF TOWN CLERK. It shall be the duty of the Town Clerk to keep the corporate seal, papers and books belonging to the Town of Cokeville, to attend the meetings of the Town Council and to keep a journal of all of its proceedings, and to keep a record of all ordinances passed by the Town Council. The journal and the record, after approval of the same, shall be signed by the mayor and attested by the Clerk. The Town Clerk shall attest all warrants, bonds and licenses issued in pursuance to the orders and ordinances of the Town Council, affix the corporate seal thereto, and keep an account in a suitable book under appropriate headings of all warrants drawn on the treasury, and an account of all licenses issued, showing the date and amount thereof. The Town Clerk shall also act as Town Treasurer and while acting as Town Treasurer shall, upon payment of all orders, immediately cancel the same and preserve the invoices, statements or orders on file. He shall make a monthly report to the Town Council, and report at other times when directed by them to do so, giving a full and itemized statement of all monies received and expended, accompanied by all warrants or orders paid since his last report, and make a full report of all the receipts and disbursements during the year. He shall pay no monies from the Town Treasury except upon warrants bearing the Town Seal and signed by the mayor. The Town Clerk shall likewise perform such other duties as may from time to time be delegated to him by the Town Council or the Mayor.

1-503. BOND. The Town Clerk shall give a penal bond in the sum of \$20,000.00 for the faithful performance of his duties with a sufficient surety to be approved by the Town Council.

1-504. POLICE CHIEF. The mayor, with the approval of the Town Council, shall appoint the Police Chief, who shall hold office for a term of one year or until a successor is appointed and qualified. The Police Chief will be charged with the duty of maintaining public peace and safety and enforcing the laws of the United States, the State of Wyoming, and the ordinances of the Town of Cokeville. Other police officers may also be appointed when such services are deemed necessary by the Mayor or Town Council.

1-505. TOWN ATTORNEY. The mayor, with the approval of the Town Council, shall appoint a Town Attorney to act for a term of one year.

1-506. DUTIES OF TOWN ATTORNEY. The Town Attorney at all times shall act to protect the interest of the Town, advise the Town Council when requested, prepare or revise ordinances, render opinions upon any legal matter or question submitted to him by the Council or Mayor, attend Council meetings, when requested by the Council, prepare all contracts and legal instruments to which the Town is a party, and prepare, when authorized by the Council, all charges and complaints against, and shall appear in the appropriate Court in the prosecution of, every person charged with a violation of a Town ordinance, or with the commission of a misdemeanor, as declared by the ordinances of this town.

1-507. The mayor, with the approval of the Town Council, shall appoint a financial institution for the use of the Town as a depository for Town funds for a year or until a successor institution is

appointed.

1-508. OTHER OFFICERS. The mayor, with the approval of the Town Council, may appoint from time to time such other administrative officers as may be required to serve the needs of the Town. The duties and powers of such officers may be prescribed by the mayor at the time of appointment.

1-509. COMPENSATION. Such salaries, commissions, fees, retainers or wages as would reasonably compensate an appointive officer for services rendered or duties performed shall be determined and set by the mayor, with approval of the Town Council, and paid in the same manner as any other claim against the Town of Cokeville.

1-510. AT WILL POLICY. Nothing in this section shall be construed as making a contract of employment with any employee or exclusive use of an institution, or prohibit the Town from exercising the use of an "At Will" policy, as approved by Wyoming State Statutes, concerning the removal or release of any employee or institution, regardless of appointment status contained herein.

TITLE I

GOVERNMENT ORGANIZATION

Chapter 6

Corporate Seal

1-601. CORPORATE SEAL. A seal, the impression of which shall be in circular form, bearing the words "Corporate Seal" and around the outer edges the words "Town of Cokeville, Wyoming" shall be and the same is hereby adopted and declared to be the seal of the Town of Cokeville.

TITLE I

GOVERNMENT ORGANIZATION

Chapter 7

Fiscal Year

1-701. FISCAL YEAR. The fiscal year of the Town of Cokeville shall commence on July 1 of each calendar year, and continue through June 30 of the succeeding year.

TITLE I

CHAPTER 8

INVESTMENT POLICY

1-801: STATEMENT OF INVESTMENT POLICY. This Investment Policy is adopted pursuant to the requirements of W.S. 9-4-831(h). It is the policy of the Town of Cokeville to invest public funds in a manner which will provide a reasonable rate investment return while assuring the maximum security of principal, meeting the daily cash flow demands of the Town of Cokeville, and conforming to all federal, state and local laws and regulations governing the investment of public funds.

1-802: SCOPE. This investment policy applies to all financial assets of the Town of Cokeville.

1-803: PRUDENCE.

(a) Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(b) The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the contest of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviation from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

1-804: OBJECTIVES. The primary objectives, in priority order, of the Town of Cokeville investment action shall be:

(a) Safety: Safety of principal is the foremost objective of the investment program. Investments of the Town shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

(b) Liquidity: The Town’s investment portfolio will remain sufficiently liquid to enable the Town to meet all operating requirements which might be reasonably anticipated.

(c) Return of Investment: The Town’s investment portfolio shall be designed with the objective of attaining a reasonable rate of return throughout budgetary and economic cycles, taking into account the Town’s investment risk constraints and the cash flow characteristics of the portfolio.

1-805: MANAGEMENT RESPONSIBILITY. Management responsibility for the investment program is hereby delegated to the Town Clerk, who may establish written procedures for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Governing Body. The Town Clerk shall be responsible for all transactions undertaken and shall establish a system of controls to regulate investing activities.

1-806: INVESTMENT COMMITTEE. The Town of Cokeville Finance Committee is hereby established, consisting of the Mayor, Council Members, and the Town Clerk.

1-807: ETHICS AND CONFLICTS OF INTEREST.

- (a) Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.
- (b) Officers and employees shall not conduct any personal investment business with the same branch office of the same firm through which the Town conducts any investment activity. "Personal investment business" used here does not mean checking accounts, savings accounts, money market funds, time deposits of five years or less, insurance products, or deferred compensation programs.
- (c) Members of the Investment Committee and investment officials employed by the municipality shall disclose to the mayor any material personal financial interests in financial institutions that conduct business within the jurisdictions, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the Town's portfolio.
- (d) Employees and officers shall subordinate their personal investment transactions to those of the Town, particularly with regard to the time of purchases and sales.

1-808: AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS.

- (a) The Town Clerk will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers who maintain an office in the State of Wyoming.
- (b) No public deposit shall be made except in a qualified public depository as established by W.S. 9-4-817 through 9-4-822.
- (c) An annual review of the financial condition and registration of qualified bidders will be conducted by the Town Clerk. A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the Town invests.

1-809: AUTHORIZED AND SUITABLE INVESTMENTS. The Town Clerk is authorized to invest in those types of securities as allowed in W.S. 9-1-416, W.S. 9-4-831, and any other state law authorizing a type of investment.

1-810: SAFEKEEPING AND CUSTODY.

- (a) For the security of Town funds, the Governing Body shall require all town depositories to deposit securities of the kind and character described in W.S. 9-4-801 through 9-4-815, or to furnish a surety bond that meets the requirements of W.S. 9-4-801 through 9-4-815 for the payment of the deposits and interest thereon.
- (b) A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the

Town and retained in the Town's safety deposit box.

(c) All security transactions, including collateral for repurchase agreement, entered into by the Town shall be conducted on a delivery-versus-payment (DVP) basis.

1-811: DIVERSIFICATION. The Town will diversify its instruments by security type and institution. With the exception of U.S. Treasury securities, certificates of deposit, and authorized pools, no more than Twenty-five Percent (25%) of the Town's total investment portfolio will be invested in a single security type.

1-812: MAXIMUM MATURITIES. To the extent possible, the Town will attempt to match its investments with anticipated cash flow requirements.

1-813: MARKET YIELD. The Town's investment strategy is active. The Town will generally purchase instruments with the intent of holding the investments until maturity.

1-814: REPORTING. The Town Clerk is charged with the responsibility of including a market report on investment activity and returns in the Monthly Financial Report.

1-815: INVESTMENT POLICY ADOPTION. The Town's Statement of Investment Policy shall be adopted by resolution of the Governing Body. The policy shall be reviewed on an annual basis by the Finance Committee and any modification made thereto must be approved by the Governing Body.

TITLE II
POLICE COURT

Chapter 1

Police Judge

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TITLE II

POLICE COURT

Chapter 1

Police Judge

2-101. APPOINTMENT OF POLICE JUDGE. The mayor, with approval of the Town Council, shall appoint one or more police judges to conduct police court in accordance with the provisions of this chapter.

2-102. TERM OF OFFICE. The term of office for a police judge shall be one year. An incumbent police judge may be re-appointed to serve any number of consecutive terms.

2-103. REMOVAL OF POLICE JUDGE. The mayor, with the approval of the Town Council, may remove from office any police judge.

2-104. JURISDICTION. The police judge shall have jurisdiction, and it shall be his duty to hear and determine all violations of ordinances of this Town arising within the limits of the Town.

2-105. NO CHANGE OF VENUE. No change of venue shall be granted in any case arising under the ordinances of the Town under the jurisdiction of the police judge.

2-106. DUTY OF POLICE JUDGE. The police judge shall be a conservator of the peace within the limits of the Town of Cokeville. It shall be his duty to hold open court on any day except Sundays, to hear and determine all cases cognizable before him.

2-107. CONTEMPT OF COURT. A police judge may punish for contempt of court, such persons as are guilty of the below enumerated actions:

(a) **INSOLENT BEHAVIOR:** Persons guilty of disorderly, contemptuous and insolent behavior toward such police judge while engaged in the trial of a cause, or in rendering judgment, or in any judicial proceedings, which tends to interrupt such proceedings or to impair the respect due to his authority.

(b) **BREACH OF PEACE:** Persons guilty of any breach of peace, noise or disturbance tending to interrupt the official proceedings of such police judge.

(c) **DISOBEDIENCE TO COURT ORDER:** Persons guilty of resistance or disobedience to any lawful order or process made or issued from him by authority of the police court.

2-108. PENALTY FOR CONTEMPT OF COURT. Punishment for contempt of court shall be as provided in Section 1-108, of the Revised Ordinances of Cokeville, as amended.

2-109. COMPENSATION OF POLICE JUDGE. The Town Council shall establish by Resolution the compensation to be paid to the police judge and the Town Council shall have authority to amend by Resolution the amount of said compensation.

2-110. FINES TO TOWN CLERK. The police judge shall, upon receipt of proceeds from payment of fines, promptly remit such monies to the Town Clerk.

2-111. RECORD OF FINES. The police judge shall keep an accurate record of all fines and sentences imposed and the monies received there from, said record to be made available to the mayor or to the Town Council upon request.

2-112. COURT COSTS. Upon conviction of a violation of an ordinance of the Town of Cokeville, the police judge shall assess court costs to cover the expenses of the Town in dealing with said conviction in accordance with applicable State Statutes, which shall be paid by the person or persons convicted of such violation. These costs are in addition to the fine assessed for the violation. All costs collected shall be turned into the treasury of the Town of Cokeville. An additional fee of Ten Dollars (\$10.00) shall also be collected and remitted to the State of Wyoming for payment into the State Judicial Systems automation account, established by Wyoming State Statute.

2-113. REFUND POLICY. If ordered by the Town of Cokeville Municipal Court, fines and fees collected by said court can be refunded to defendants in said court if there is just cause, such as over payment of a fine or some other reason deemed appropriate by the court. If the amount is be refunded is ten dollars (\$10.00) or less, no such refund shall be issued.

TITLE II

POLICE COURT

Chapter 2

Police Court Procedure

2-201. COMMENCEMENT OF ACTION. Action for a violation of a Town ordinance may be commenced by filing with the police judge a complaint under oath, made by the Town Attorney, Police Chief, or deputy or agent for the Police Chief, or any citizen of the Town of Cokeville, stating the nature of the offense, the name of the accused, the date of the violation and any other pertinent information required by the complaint form hereinafter set forth.

2-202. DOCKETING THE ACTION. Upon filing the complaint, the police judge shall enter the case upon his docket in the usual manner as required of justices of the peace by Wyoming State Law.

2-203. WARRANT. After a case has been duly docketed, the police judge shall issue a warrant commanding the Police Chief or his agent to apprehend the accused and to bring him before the police court to be dealt with according to law.

2-204. HEARING PROCEDURE. Upon the appearance of the accused, the court shall proceed in accordance with the following procedure:

- (a) CALL TO ORDER: The police judge shall call court to order and shall not proceed until such call has been heeded by all present.
- (b) PUBLICATION OF CHARGE: The police judge shall read the title caption of the case and apprise the defendant of the nature of the charge against him.
- (c) PLEA: The defendant shall then be allowed to enter a plea of guilty or not guilty or nolo contendere.
- (d) ARGUMENTS AND EVIDENCE: In the event a plea is “not guilty,” the court shall entertain arguments and hear evidence relevant to the alleged violation of law.
- (e) VERDICT AND SENTENCE: The police judge shall, after hearing the arguments and evidence presented by both the accused and the Town, decide and announce his verdict. If the same be “not guilty,” costs shall be assessed against the complaining witness. If the complaining witness be an agent of the Town of Cokeville, acting in such official capacity, the Town shall bear said costs. If the verdict be “guilty,” the police judge shall impose a sentence as provided in Section 10-108, as amended, of the Revised Ordinances of Cokeville.
- (f) ADJOURNMENT: Upon hearing all matters properly docketed, the police judge shall declare the court adjourned.

2-205. REMISSION OF SENTENCE. A police judge, with the approval of the mayor, may, upon good cause shown, remit any sentence imposed by such judge.

2-206. APPEAL. In all cases before the police judge arising under any ordinance of the Town of Cokeville, wherein the imprisonment exceeds ten days, an appeal may be taken by the defendant to the District Court in and for the County of Lincoln, State of Wyoming, but no appeal shall be allowed in such unless said defendant shall, within ten days, enter into a recognizance with sufficient surety to be approved by the police judge conditioned for the payment of the fine and costs of appeal within said ten days, and the defendant shall abide by the judgment of said court and not depart without leave of the same, or that he will pay to the Town of Cokeville the sum of \$200.00.

2-207. ADOPTION OF JUSTICE OF THE PEACE COURT PROCEDURE. Procedure prescribed by the statutes of the State of Wyoming for justice of the peace courts shall be adopted and used in police courts practice, except for procedure expressly enumerated in this chapter.

2-208. COMPLAINT. The approved police court complaint form is set forth as follows:

STATE OF WYOMING)
COUNTY OF LINCOLN)ss.
TOWN OF COKEVILLE)

IN THE POLICE COURT

Before _____

Police Judge

THE TOWN OF COKEVILLE,

Plaintiff,

-vs-

COMPLAINT

Defendant.

STATE OF WYOMING)
COUNTY OF LINCOLN)ss.
COUNTY OF LINCOLN)

I, _____, do solemnly swear that on or about the _____
day of

_____, A.D. 20____, in the Town of Cokeville, County of Lincoln, and State of
Wyoming, the said _____ did unlawfully
_____ in violation of
Section _____ of the ordinances of the
Town of Cokeville; contrary to the form of the ordinance in such case made and provided and against
the peace and dignity of the Town of Cokeville.

Signed _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

Police Judge

2-209. WARRANT. The official police court warrant form shall be as follows:

STATE OF WYOMING)
COUNTY OF LINCOLN)ss.
TOWN OF COKEVILLE)

CRIMINAL WARRANT

TO THE POLICE CHIEF, OR ANY POLICE OFFICER OF THE SAID TOWN OF COKEVILLE:

Whereas, _____ has this day complained
to me on oath, that _____, did on or about the _____ day of
_____, 20_____, at Cokeville, in the County and State aforesaid, did unlawfully
_____ in violation of
Section _____ of the ordinances of the Town
of Cokeville, and prayed that the said _____ might be arrested and dealt with
according to law. Now, therefore, in the name of the Town of Cokeville, you are hereby commanded
forthwith to apprehend the said _____ and bring _____ before me to be dealt
with according to law.

Given under my hand this _____ day of _____, 20_____.

Police Judge

2-210. DEFECTS IN FORM DISREGARDED. No action taken before the police judge shall be dismissed for any defect in form of the complaint, warrant, bond, or statement. A complaint may name several persons charged with the same offense or one person charged with several offenses. The complaint shall be sufficient if it substantially sets forth the nature of the violation alleged so as to give the defendant notice of the charge which he is required to answer.

2-211. BAIL. Any person arrested for any offense under the ordinances of the Town of Cokeville may be admitted to bail by depositing a cash bond with the Town Clerk, in such sum as the police judge shall fix and direct, conditioned that he will appear upon a day named before the police judge and answer the accusations for which he has been arrested. If, at the time and place set for the hearing, the defendant shall fail to appear, the police judge shall note such fact upon his docket and order the cash bond forfeited to the Town of Cokeville for the failure of the defendant to appear.

2-212. PLACING PERSON FOUND GUILTY, BUT NOT CONVICTED, ON PROBATION.

(a) If a person who has not previously been convicted of any second or subsequent violation of 6-110, or any similar provision of law, the court may, with the consent of the defendant and the Town Attorney, and without entering a judgment of guilt or conviction, defer further proceedings and place the person on probation for a term not to exceed six (6) months, upon terms and conditions set by the court. The terms of the probation shall include that he:

- (i) Conduct himself in a law-abiding manner;
- (ii) Conform his conduct to any other terms of probation the court finds proper; and
- (iii) Pay restitution to any victims, as determined by the court.

(b) If the court finds the person has fulfilled the terms of probation and that his rehabilitation has been attained to the satisfaction of the court, the court may, at the end of six (6) months from the date of the original probation, discharge the person and dismiss the proceedings against him.

(c) If the defendant violates a term or condition of probation at any time before final discharge, the court may:

(i) Enter an adjudication of guilt and conviction and proceed to impose sentence upon the defendant if he previously pled guilty to or was found guilty of the original charge for which probation was granted under this section; or

(ii) Order that the trial of the original charge proceed if the defendant has not previously pled or been found guilty.

(d) Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for any purpose.

(e) There shall be only one (1) discharge and dismissal under this section in a two (2) year period.

(f) After conviction or plea of guilty for any offense and following entry of the judgment of conviction, the court may:

(i) Suspend the imposition or execution of sentence and place the defendant on probation; or

(ii) Impose a fine applicable to the offense and place the defendant on probation.

(g) The court may impose, and at any time modify, any condition of probation or suspension of sentence.

(h) As a condition of probation or suspension of sentence, the court may require a defendant who is a minor to successfully complete a juvenile service program offered by a community juvenile services board under the Community Juvenile Services Act.

(i) The period of probation or suspension of sentence under this ordinance shall be determined by the court and may be continued or extended, up to a period of six (6) months.

(j) Upon the satisfactory fulfillment of the conditions of suspension of sentence or probation, under this ordinance, the court shall enter an order discharging the defendant.

(k) For a violation of a condition of probation occurring during the probationary period, revocation proceedings may be commenced at any time during the period of suspension of sentence or probation under this ordinance, in which case the court may issue a warrant and cause the defendant to be arrested. If after hearing the court determines that the defendant violated any of the terms of probation or suspension of sentence, the court may proceed to deal with the case as if no suspension of sentence or probation had been ordered.

(l) When imposing a fine and also placing the defendant on probation, the municipal judge may permit the fine to be paid in installments over a reasonable period of time, up to a six (6) month period.

(m) Nothing in this ordinance shall be construed to authorize the court to expunge the record of a person charged with or convicted of a criminal offense.

(n) Proceedings under this ordinance shall not be considered as a discharge and dismissal under W.S. 7-13-301 (e) or any other first offender deferral or law that defers prosecution. In no situation may this ordinance be used in any criminal or civil proceeding deemed as evidence. Any person who successfully completes the probation period under this section, shall have their alleged offense deemed as dismissed because they have not had a trial or been heard by the court on the merits of the matter.

TITLE III
REVENUE AND TAXATION

Chapter 1

Occupation Tax

- 3-101. Purpose
- 3-102. Compliance Required
- 3-103. Definition
- 3-104. Agents Responsible for Obtaining License
- 3-105. License Fee Schedule
- 3-106. Businesses Not Enumerated
- 3-107. License Tax Certificate
- 3-108. Non-Assignability of Tax Certificate
- 3-109. Transfer Fee
- 3-110. Exhibition of License Tax Certificate
- 3-111. Interest on Delinquent Accounts
- 3-112. Enforcement
- 3-113. Penalties

TITLE III
REVENUE AND TAXATION

Chapter 1

Occupation Tax

3-101. PURPOSE. An occupation tax shall hereby levied, collected, and regulated as provided in this chapter for the purpose of raising revenue to defray the general expenses of the Town of Cokeville, and maintaining the health, safety, morals, and the general welfare of its residents.

3-102. COMPLIANCE REQUIRED. It shall be unlawful for any person, either directly or indirectly, to conduct any business or to use in connection therewith any vehicle, premises, machine or device, in whole or in part, for which a license or permit is required by this Chapter or any other ordinance of the Town of Cokeville, without a license or permit therefore first being procured and kept in effect at all times required by this Chapter. Any business that requires certification from the State of Wyoming or the United States of America to do business shall produce such certificate at the time of application for a town business license.

3-103. DEFINITION. "Business" for the purposes of this ordinance is defined as any activity or enterprise for gain, advantage, or livelihood. One act of advertising or soliciting business within the Town of Cokeville is sufficient to require compliance with the requirements of this chapter.

3-104. AGENTS RESPONSIBLE FOR OBTAINING LICENSE. The agent or other representative of non-residents who are doing business in this Town or the agent of any domestic corporation shall be personally responsible for the compliance with this chapter by their principals, and of and for the business that they represent.

3-105. BUSINESS LICENSE FEE SCHEDULE. Business and occupations hereinafter mentioned in this chapter shall be licensed upon payment of a license fee as follows:

(a) Permanent Business:

Sole proprietor, or family owned and only family employed.	\$30.00
Business with 2-5 employees	\$45.00
Business with 6-15 employees	\$75.00
Business with 16 and up employees	\$150.00
Business out of town limits doing business in town	\$50.00

* If a business has more than one location, a separate license is required for each location.

Any group having solicitors come in for the purpose of selling items (i.e., craft fairs, etc.) for a period of three (3) days or less shall pay \$1.00 for each solicitor payable to the Town of Cokeville as a business license fee for event. No other business license is required.

* Exempt from purchasing a town license are 17 years of age or younger, including

organized youth sales, i.e., car wash, youth sales.

* Day care less than 3 children

* Youth lessons (5 students - 17 yrs. & under)

(b) Peddlers:

- | | |
|---------------------|---------|
| (1) 1 day license | \$ 5.00 |
| (2) 7 days license | \$10.00 |
| (3) 1 month license | \$20.00 |
| (4) 3-month license | \$25.00 |

(c) Public Utilities. All public utilities including, but not limited to, communications and broadband companies, cable television and video companies, gas companies, electric companies, public transportation companies, and water companies shall have a tax assessed, levied, and collected from each of them at the rate of one percent of the gross quarterly amount received for services or products rendered to persons within the corporate limits of Cokeville.

(d) Every public utility taxed under this article, shall pay the license tax imposed by this article to the town clerk within forty-five days from the end of each calendar quarter, unless otherwise stated in this article, and the town clerk shall issue to such taxpayer a receipt therefore. Every other business taxed under subsection (a) of section 3-105 shall pay such tax to the town clerk before the end of the month following the last month of each quarter and the town clerk shall issue to such taxpayer a receipt therefore, unless otherwise provided.

3-106. LICENSE FEE CERTIFICATE. Upon payment of the license fee herein assessed too the Town Clerk, and the presentation to the Town Clerk of a current and valid Wyoming State Sales Tax License for each business, said clerk shall then issue and deliver to the taxpayer a certificate showing the following:

- (a) The name of the person, association of persons, firm or corporation paying such fee;
- (b) The amount of the fee paid;
- (c) A description of the nature of the business in which the taxpayer is engaged.

3-107. NON-ASSIGNABILITY OF BUSINESS LICENSE. No receipt or certificate showing payment of the license fee herein assessed shall in any manner be assignable or transferable without the written consent of the Town Council.

3-108. TRANSFER FEE. In the event a license is transferred from one proprietor to another, or from one location to another with the approval of the Town Council, a transfer fee of \$1.00 shall be assessed upon the issuance of a new amended license fee certificate.

3-109. EXHIBITION OF BUSINESS LICENSE CERTIFICATE. Every person, association of persons, firm or corporation carrying on such trades, businesses, occupations or callings as above enumerated shall at all times exhibit a certificate of payment of business license fee when requested to do so by an officer or employee of the Town of Cokeville.

3-110. INTEREST ON DELINQUENT ACCOUNTS. If any business license fee remains delinquent after the same shall have become due and payable, then interest shall accrue on the

past due account at the rate of eighteen percent (18%) per annum until the tax assessment is fully satisfied.

3-111. **ENFORCEMENT.** The Town of Cokeville shall have the right to institute in any Court of competent jurisdiction a civil action or actions to recover the amount of any taxes becoming delinquent, together with all interest accruing thereon. Neither the recovery by the Town of Cokeville or a judgment for such fees or interest, nor the satisfaction thereof, shall release the delinquent taxpayer from liability of conviction for a violation of any of the provisions of this Chapter.

3-112. **PENALTIES.** Any person who shall commence or carry on any business, profession or occupation for which a license is required by this Chapter, without first obtaining such a license, or any person who shall violate any other provision of this Chapter, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville. Each day's continuance of such violation shall be deemed a separate offense.

TITLE IV

BUSINESS REGULATIONS

Chapter 1

Handbills and Posted Advertisements

- 4-101 Posting Bills Without Permission
- 4-102 Name on Posted Bill
- 4-103 Duty to Remove Obsolete Bills
- 4-104 Distribution of Handbills

Chapter 2

Peddlers and Itinerant Merchants

- 4-201 Soliciting and Peddling a Nuisance
- 4-202 Attempt to Obtain Invitation Shall be Deemed a Nuisance
- 4-203 Exclusion
- 4-204 Police Chief to Abate

Chapter 3

Alcoholic Beverages

- 4-301 Definitions
 - (a) Alcoholic Liquor
 - (b) Building
 - (c) Club
 - (d) Drug Store
 - (e) Intoxicating Liquor, Alcoholic Liquor, Alcoholic Beverage, and Spiritous Liquor
 - (f) Licensee
 - (g) Limited Retail Liquor License
 - (h) Malt Beverage
 - (i) Original Package
 - (j) Person
 - (k) Resident
 - (l) Restaurant
 - (m) Retail Liquor Dealer
 - (n) Retailer
 - (o) Room
 - (p) Sell, Sale
 - (q) This Ordinance
- 4-302 Application of Provisions
- 4-303 Application for License and Permits
- 4-304 Restrictions upon License and Permit Applicants
- 4-305 Publication of Notice of Application; Grant or Denial of License or Permit
- 4-306 Signing and Attestation; Contents; Display
- 4-307 Disposition of License Fee
- 4-308 Term of Licenses and Permits
- 4-309 Retail Liquor Licenses

- 4-310 Sales by Drug Stores
- 4-311 Sales by Clubs
- 4-312 Bottle Clubs
- 4-313 Resort Retail Liquor Licenses
- 4-314 Sale of Beverages for Off-Premises Consumption Prohibited
- 4-315 Resort Liquor License Fee
- 4-316 Applicability of Other Provisions
- 4-317 Restaurant Liquor Licenses; Authorized
- 4-318 Revenues of Restaurant Liquor Licensee to be Derived Primarily from Food Service and not the Sale of Alcoholic Beverages
- 4-319 Transfer of Restaurant Liquor Licenses
- 4-320 Regulations and Restrictions on Restaurant Liquor Licenses
- 4-321 Restaurant Liquor License Fee
- 4-322 Twenty-Four Hour Malt Beverage Permit and Catering Permit
- 4-323 Hospitals, Religious Organizations, Physicians, and Dentists
- 4-324 Transfer of Licensed Location and Ownership
- 4-325 Transfer or Sale of License only as Provided Above
- 4-326 Hours of Operation; Generally, and on Sundays; Exceptions
- 4-327 Location, Regulation and Restrictions as to Place of Sale
- 4-328 Storage Outside Licensed Premises Prohibited; Exceptions
- 4-329 Minors Restricted from Dispensing Room; Exceptions; Penalty
- 4-330 Prohibited Acts within Dispensing Rooms
- 4-331 Drive-in Area; Conditions for Operation
- 4-332 Restrictions or Denial of Right to Use Drive-in Areas
- 4-333 Sale or Furnishing Alcoholic Liquor or Malt Beverage to Minors
- 4-334 Purchase and Possession by Minors
- 4-335 Transporting or Possessing in Motor Vehicle with Intent to Furnish to Minor
- 4-336 Persons under the Influence
- 4-337 Open Containers
- 4-338 Penalty

Chapter 4 Transient Selling by Hucksters

- 4-401 Definition of Huckster
- 4-402 Sale to Consumer Prohibited
- 4-403 License Required
- 4-404 License Fee
- 4-405 Sale of Local Farm Products
- 4-406 Registration Fee
- 4-407 Temporary or Transient Merchandising Defined
- 4-408 Evidence Otherwise May Be Accepted
- 4-409 Issuance of License
- 4-410 Cash Bond Required
- 4-411 Affidavit Required
- 4-412 Statement
- 4-413 Misrepresentation
- 4-414 Exclusions
- 4-415 May Attach Stock

4-416 Penalty

Chapter 5
Sexually Oriented Businesses

- 4-501 Purpose
- 4-502 Findings
- 4-503 Definitions
- 4-504 Classification
- 4-505 Zoning and Spacing
- 4-506 Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms
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- 4-511 Hours of Operation
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- 4-513 Advertising
- 4-514 Injunction
- 4-515 Severability
- 4-516 Conflicting Ordinances Repealed
- 4-517 Territorial Jurisdiction of Chapter
- 4-518 Operation Standards

TITLE IV

BUSINESS REGULATIONS

Chapter 1

Handbills and Posted Advertisements

4-101. POSTING BILLS WITHOUT PERMISSION. It shall be unlawful for any person acting for himself or through an agent to print, paint, write or in any way post up any notice, card, advertisement or other device upon any tree, post, pole or fence upon streets, alleys, or property owned or controlled by the Town of Cokeville without first obtaining permission from the Town Mayor. It shall be unlawful for any person to post any such notice, card, advertisement or other device upon any wall, fence, tree, post, pole, building or other property without the permission of the owner or the person in charge thereof.

4-102. NAME ON POSTED BILL. No bill shall be posted on any post, pole, tree, wall, fence or building within the corporate limits and surrounding areas under the jurisdiction of the Mayor of the Town of Cokeville, except the name of the person responsible to remove such advertisement be legibly written in the lower right-hand corner of said advertisement.

4-103. DUTY TO REMOVE OBSOLETE BILLS. When a sign, bill, notice, card, or advertisement which has been posted in accordance with the terms of this Chapter becomes obsolete by reason of dilapidation or occurrence of the event advertised, such advertisement shall be promptly removed by the person whose name appears or should appear on the notice.

4-104. DISTRIBUTION OF HANDBILLS. It shall be unlawful for any person to distribute, deposit, scatter, hand out or circulate any commercial or non-commercial handbill within the corporate limits and surrounding areas under the jurisdiction of the Mayor of the Town of Cokeville, without first obtaining written permission of the Mayor. If, in the opinion of the Mayor, the contents of the handbill are misleading, untrue, or offensive to public morals, he may deny the request for permission to distribute such handbills.

TITLE IV

BUSINESS REGULATIONS

Chapter 2

Peddlers and Itinerant Merchants

4-201. SOLICITING AND PEDDLING A NUISANCE. The practice of going in or upon private residences, business establishments, public buildings and/or offices in the Town of Cokeville, Wyoming, by solicitors, peddlers, hawkers, professional men, practitioner healers, health purveyors, photographers, itinerant merchants, transient vendors of goods, wares, merchandise, books, pictures, insurance, periodicals, magazines, health aids or anything whatsoever, not having been requested to do so by the owner, manager or occupant of said private residence, business establishment, public building or office, for the purpose of selling or soliciting orders for any item herein before mentioned, or any other article of whatsoever kind, and for the purpose of disposing of or peddling, selling or hawking the same, is hereby declared to be a public nuisance, and punishable as such as a misdemeanor.

4-202. ATTEMPT TO OBTAIN INVITATION SHALL BE DEEMED A NUISANCE.

Any attempt to obtain an invitation to visit any residence, business establishment, public building or office by personal solicitation or promise of any demonstration, pecuniary profit or benefit, or any gift or advantage, shall be deemed a violation of the terms of this Chapter and punishable as a misdemeanor.

4-203. EXCLUSION. Any person who sells at wholesale, direct to a dealer for the ultimate purpose of resale or gift by such dealer is hereby excepted from the provisions of this Chapter, as is also any person locally established selling produce or products raised by himself.

4-204. POLICE CHIEF TO ABATE. The Police Chief or his officer(s) are hereby required and directed to abate any nuisance or violation of this Chapter and upon conviction for violation of the provisions of this Chapter, the defendant shall be punished as provided in Section 1-108, of the Revised Ordinances of Cokeville, as amended.

TITLE IV
BUSINESS REGULATIONS

Chapter 3

Alcoholic Beverages

4-301. DEFINITIONS. For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) **ALCOHOLIC LIQUOR:** Any spiritous or fermented fluid, substance, or compound, other than malt beverage, intended for beverage purposes, containing more than one percent (1%) of alcohol by volume, including alcohol, brandy, whiskey, rum, gin, wine, or other liquids and compounds.

(b) **BUILDING:** A roofed and walled structure set in place for permanent use.

(c) **CLUB:** Any of the following organizations:

(1) A post, charter, camp, or other local unit composed only of veterans and its duly organized auxiliary, chartered by the Congress of the United States for patriotic, fraternal, or benevolent purposes, and, as the owner, lessee or occupant, operates an establishment for these purposes within the state;

(2) A chapter, lodge, or other local unit of an American national fraternal organization, and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the state. As used in this sub-paragraph, an American fraternal organization means an organization actively operating in not less than thirty-six (36) states or having been in active continuous existence for not less than twenty (20) years, but does not mean a college fraternity;

(3) A hall or building association of a local unit specified in sub-paragraphs (1) and (2) of this paragraph, of which all of the capital stock is owned by the local unit or its members, operating clubroom facilities for the local unit;

(4) A golf club having more than fifty (50) bona fide members owning, maintaining or operating a bona fide golf course together with a clubhouse;

(5) A social club with more than one hundred (100) bona fide members who are residents of the county in which it is located, owning, maintaining or operating club quarters, incorporated and operating solely as a non-profit organization under the laws of this state and qualified as a tax-exempt organization under the Internal Revenue Service Code and having been continuously operating for a period of not less than one (1) year. The club shall have had, during this one-year period, a bona fide membership paying dues of at least twenty-five dollars (\$25.00) per year as recorded by the secretary of the club, quarterly meetings and an actively engaged membership carrying out the objectives of the club. A social club shall, upon applying for a license, file with the Town Council and the Wyoming Liquor Commission a true copy of its by-laws and shall further, upon applying for a renewal of its license, file with the Town Council and the Wyoming Liquor Commission a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club, together with an itemized statement of amounts expended for such activities. Club members, at the time of application for a limited retail liquor license, pursuant to Section 4-311, shall be in good standing by having paid at least one full year in dues;

(6) Club does not mean college fraternities or labor unions.

(d) **DRUG STORE:** Space in a building maintained, advertised and held out to the public as a

place where drugs and medicines are sold and prescriptions are compounded and where a registered pharmacist is regularly employed.

(e) INTOXICATING LIQUOR, ALCOHOLIC LIQUOR, ALCOHOLIC BEVERAGE, AND SPIRITOUS LIQUOR: Construed as synonymous in meaning and definition.

(f) LICENSEE: A person holding a (i) retail liquor license, (ii) limited retail liquor license, (iii) resort liquor license, (iv) malt beverage permit, (v) restaurant liquor license, or (vi) catering permit.

(g) LIMITED RETAIL LIQUOR LICENSE: The authority under which clubs shall be permitted to sell alcoholic and/or malt beverages.

(h) MALT BEVERAGE: Any fluid, substance, or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefore containing more than one percent (1%) of alcohol by volume.

(i) ORIGINAL PACKAGE: Any receptacle or container used or labeled by the manufacturer of the substance, containing any alcoholic liquors or malt beverages.

(j) PERSON. An individual person, a partnership, a corporation, or an association.

(k) RESIDENT: A domiciled resident and citizen of Wyoming for a period of not less than one (1) year, who has not claimed residency elsewhere for any purpose within a one (1) year period immediately preceding the date of application for any license or permit authorized under this Chapter.

(l) RESTAURANT: Space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on-premise consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. This means that the building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the Town Council that the space is intended for use as a full-service restaurant. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this section.

(m) RETAIL LIQUOR DEALER: A retail liquor dealer shall be any licensee who sells alcoholic or malt liquors under a retail liquor license.

(n) RETAILER: A person who sells or offers for sale any alcoholic or malt beverage for use or consumption and not for resale.

(o) ROOM: An enclosed, partitioned space within a building. Partitions may contain windows and doorways, but any partition shall extend from floor to ceiling.

(p) SELL, SALE: Offering for sale, trafficking in, bartering, delivering or dispensing and pouring for value, exchange for goods, services or patronage or an exchange in any way other than purely gratuitously. Every delivery of any alcoholic liquor or malt beverage made otherwise than by gift constitutes a sale.

(q) THIS ORDINANCE: Chapter 3 of Title IV of the Revised Ordinances of the Town of

Cokeville, Wyoming.

4-302. APPLICATION OF PROVISIONS. The general control and regulatory provisions of this Ordinance apply to all licenses and permits authorized under this Ordinance, unless otherwise provided.

4-303. APPLICATION FOR LICENSE AND PERMITS.

(a) Any person desiring a license or permit authorized by this Ordinance shall apply to the Town Council of the Town of Cokeville. The application shall be made under oath upon a form prepared by the Attorney General of the State of Wyoming, filed in the office of the Town Clerk, and shall contain the following provisions:

(1) The location and a description of the room in which the applicant will sell under the license if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plan of the room in the premises to be licensed;

(2) The age and residence of the applicant and of each applicant or partner if the application is made by more than one individual or by a partnership;

(3) A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under Wyoming law and of any conviction of a violation of Wyoming law relating to the sale or manufacture of alcoholic liquor or malt beverages within ten (10) years prior to the filing of the application;

(4) If the applicant is a corporation:

(i) The name, age and residence of each officer, director and stockholder holding, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation; and

(ii) Whether any officer, director or stockholder with ten percent (10%) or more ownership has been convicted of a violation of law as provided in paragraph (3) of this sub-section;

(5) A statement indicating the financial condition and financial stability of the applicant;

(6) The site and the zoning of the site where the applicant will sell under the license.

(b) Said application shall be accompanied by a fee sufficient to defray the cost of publication of the notice that such applicant has made application for such a license.

(c) No person or partner shall have any interest directly or indirectly, in a license or permit unless he signs and verifies the application for the license or permit. No corporation shall be granted a license or permit unless two (2) or more of the officers or directors sign and verify upon their oath as individuals that the statements and provisions are true.

4-304. RESTRICTIONS UPON LICENSE AND PERMIT APPLICANTS.

(a) A license or permit authorized by this Ordinance shall NOT be held by, issued or transferred to:

(1) Any mayor, member of the Town Council or County Commissioner, within their respective jurisdictions;

(2) Any person employed by the State or a city, town or county as a law enforcement officer or who holds office as a law enforcement officer through election;

(3) Any person who does not own the building in which the sales room is located or hold a written lease for the period for which the license will be effective containing

an agreement by the lesser that alcoholic or malt beverages may be sold upon the leased premises, except as provided by paragraph (4) of this sub-section;

- (4) Any licensee whose building in which alcoholic or malt beverages may be sold is not in existence or operational within two (2) years after the license or permit has been issued;
- (5) Any licensee who does not annually purchase at least Two Hundred Fifty Dollars (\$250.00) of alcoholic or malt beverages from the commission or any authorized malt beverage wholesaler except any licensee having a planned building not in existence or not operational pursuant to paragraph (4) of this sub-section;
- (6) A manufacturer of alcoholic beverages or wholesaler of malt beverages;
- (7) A minor;
- (8) A college fraternity or organization created by one (1) or more college fraternities;
- (9) A chamber of commerce;
- (10) A corporation which is not qualified to do business in Wyoming;
- (11) An individual who is not a resident; or
- (12) Any partnership or group of two (2) or more persons unless each individual interested, directly or indirectly, is a resident.

(b) No licensing authority shall issue more than one (1) license or permit to any one (1) person.

4-305. PUBLICATION OF NOTICE OF APPLICATION; GRANT OR DENIAL OF LICENSE OR PERMIT.

(a) When an application for a license, permit, renewal or any transfer of location or ownership thereof has been filed with the Town Council, the Town Clerk shall promptly prepare a notice of application and place the notice conspicuously upon the premises shown by the application as the proposed place of sale and publish the notice in the newspaper of local circulation once a week for two (2) consecutive weeks. The notice shall state that a named applicant has applied for a license, permit, renewal, or transfer thereof and that protests against the issuance, renewal or transfer of the license or permit will be heard at a designated meeting of the Town Council. Each applicant shall, at the time of filing his application, pay the Town Clerk the amount sufficient to cover the costs of publishing notice.

(b) Any license or permit authorized under this Title shall not be issued, renewed or transferred until on or after the date set in the notice for hearing protests. If a renewal or transfer hearing, the hearing shall be held no later than thirty (30) days preceding the expiration date of the license or permit. A license or permit shall not be issued, renewed or transferred if the Town Council finds from evidence presented at the hearing:

- (1) The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected;
- (2) The purpose of this Ordinance shall not be carried out by the issuance, renewal or transfer of the license or permit;
- (3) The number, type and location of existing licenses or permits meet the needs of the vicinity under consideration;
- (4) The desires of the residents of the Town of Cokeville will not be met or satisfied by the issuance, renewal or transfer of the license or permit; or
- (5) Any other reasonable restriction or standards which may be imposed by the Town Council shall not be carried out by the issuance, renewal or transfer of the license or permit.

(c) The owner and holder of an expired liquor license or permit or one due for expiration has a preference right to a new license for the same location. After the required notice and public hearing, each application claiming renewal preference shall be promptly considered and acted upon by the Town Council.

(d) An applicant for a renewal license or permit may appeal to the District Court from an adverse decision by the Town Council. No applicant for a new license shall have a right of appeal from the decision of the Town Council denying an application.

4-306. SIGNING AND ATTESTATION; CONTENTS; DISPLAY.

(a) Each license issued by the municipality shall be signed by the Mayor and attested by the Clerk.

(b) The following shall be shown in each license:

- (1) The name of the licensee;
- (2) A description of the place in which alcoholic and/or malt beverages may be sold;
- (3) The date of issuance;
- (4) The amount of the fee and that the same has been paid.

(c) Each licensee shall display his license in a conspicuous place in the licensed room.

4-307. DISPOSITION OF LICENSE FEE. All fees for licenses and permits issued by the Town Council paid under this Title shall be deposited into the treasury of the Town of Cokeville. No refund of all or any part of a license fee shall be made at any time following issuance.

4-308. TERM OF LICENSES AND PERMITS.

(a) A license or permit is considered a personal privilege to the holder and the term of the license or permit is for one (1) year unless sooner revoked. When a valid license or permit is determined to be part of the estate of a deceased holder, the administrator or executor of the estate may exercise the privilege of the deceased under the license or permit until the expiration of the license or permit.

(b) The term of a license or permit may be less than one (1) year if specified by the Town Council to coincide with the annual date or dates set by the Town Council for consideration of license and permit issuance, renewal and transfer. For a license or permit issued by the Town Council for a period less than one (1) year, the annual fee shall be prorated accordingly. Any licensee not attempting to renew a newly-issued prorated license or permit valid for one (1) year shall not be eligible for any license or permit authorized under this ordinance for a period of two (2) years after the expiration of the prorated license or permit.

4-309. RETAIL LIQUOR LICENSES.

(a) A retail liquor license is the authority under which a licensee is permitted to sell alcoholic liquor or malt beverages for use or consumption but not for resale.

(b) Every person granted a retail liquor license by the provisions of this ordinance shall pay annually in advance for a license hereunder, the sum of \$500. The license fee shall be paid

to the Town Clerk before the license is issued.

4-310. SALES BY DRUG STORES. All sales of alcoholic or malt beverages by drug stores holding a retail liquor license under the provisions of this Ordinance shall be sold only in the original container received by the druggist. No container or original package shall be opened upon the premises where sold or in any room or building in connection with the drug store. Any sale shall be made only by a licensed pharmacist or an adult clerk. The drug store shall be limited in its sales to the amount that may be sold by holders of other retail licenses.

4-311. SALES BY CLUBS.

(a) Bona fide clubs as defined by Section 4-301(c) may be licensed by the Town Council under a limited retail liquor license for which the licensee shall pay a license fee of \$500.00 annually in advance.

(b) At least fifty-one percent (51%) of the membership of a social club as defined by Section 4-301(c)(5) shall sign a petition indicating a desire to secure a limited retail liquor license. The form of the petition shall be prescribed by the Wyoming Liquor Commission and shall include the residence address of each member signing the petition.

(c) A club holding a limited retail liquor license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanying guests only. It shall be the duty and obligation of the club to check and regulate sales to members and their accompanying guests to ensure that all alcoholic or malt beverages sold are consumed within the building space or premises.

4-312. BOTTLE CLUBS.

(a) Definition. A bottle club is an operation or enterprise giving or renting space to persons upon the club premises for the keeping or storage of alcoholic or malt beverages, for consumption upon the club premises by the persons or their guests where the income, profits, or fees of the operator of the bottle club are derived from sales of or furnishing mixes, ice, food or glasses or from dues, charges, contributions, membership cards, or assessments

(b) Penalty for operating unlicensed bottle club. It is unlawful to operate an unlicensed bottle club in the Town of Cokeville. Any person operating an unlicensed bottle club is guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

4-313. RESORT RETAIL LIQUOR LICENSES.

(a) Authorized. The Town Council may issue resort retail liquor licenses to applicants who are owners or lessees of a resort complex meeting the qualifications of sub-section (b) of this section.

(b) Qualifications. To qualify for a resort retail liquor license, the Town Council shall require the resort complex to:

(1) Have an actual valuation, or the applicant shall have committed or expended on the complex, not less than one million dollars (\$1,000,000.00), excluding the value of the

- land;
- (2) Include a restaurant and a convention facility, which convention facility shall seat no less than one hundred (100) persons; and
- (3) Include motel or hotel accommodations with a minimum of one hundred (100) sleeping rooms.

4-314. SALE OF BEVERAGES FOR OFF-PREMISES CONSUMPTION PROHIBITED.

Resort liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee. The dispensing of alcoholic or malt beverages licensed to be sold hereunder shall be controlled by Section 4-327 of this Ordinance.

4-315. RESORT LIQUOR LICENSE FEE. The annual fee for a resort liquor license shall be \$2,000, payable in advance.

4-316. APPLICABILITY OF OTHER PROVISIONS. The general control and regulatory provisions of this Ordinance shall apply to resort liquor licenses except as otherwise provided.

4-317. RESTAURANT LIQUOR LICENSES; AUTHORIZED. Restaurants as defined by Section 4-301(1) may be licensed by the Town Council under a restaurant liquor license. In addition to the application requirements required by this Ordinance, the license applicant shall submit a valid food service permit upon application.

4-318. REVENUES OF RESTAURANT LIQUOR LICENSEE TO BE DERIVED PRIMARILY FROM FOOD SERVICE AND NOT THE SALE OF ALCOHOLIC BEVERAGES.

(a) An applicant for a restaurant liquor license shall satisfy the Town Council that the primary source of revenue from the operation of the restaurant to be licensed will be derived from food services and not the sale of alcoholic or malt beverages.

(b) When renewing a restaurant liquor license, the Town Council shall condition renewal upon a requirement that not less than sixty percent (60%) of gross sales from the preceding twelve (12) months operation of a licensed restaurant be derived from food services.

(c) Upon application for a license renewal a license holder shall submit an annual report to the Town Council of the sales of the licensed restaurant. The report shall contain the annual gross sales figures of the restaurant and shall separate the gross sales figures into two (2) categories:

- (1) Food service sales; and
- (2) Alcoholic and malt beverage sales.

4-319. TRANSFER OF RESTAURANT LIQUOR LICENSES. No restaurant liquor licenses shall be transferred to another location. License ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the Town Council.

4-320. REGULATIONS AND RESTRICTIONS ON RESTAURANT LIQUOR LICENSES.

(a) Restaurant liquor licensees shall not sell alcoholic or malt beverages for consumption off the premises owned or leased by the licensee.

(b) Alcoholic and malt beverages shall be dispensed and prepared for consumption in one (1)

room upon the licensed premises separated from the dining area in which alcoholic and malt beverages may be served. No consumption of alcoholic or malt beverages shall be permitted within the dispensing room, nor shall any person other than employees over twenty-one (21) years of age be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which is licensed prior to February 1, 1979 for purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant liquor license and any person over twenty-one (21) years of age is permitted to enter the separate dispensing room.

(c) All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease or at the hours specified by Section 4-326 of this Chapter if food sales and services extend beyond the hours specified therein.

4-321. RESTAURANT LIQUOR LICENSE FEE. The annual fee for a restaurant liquor license shall be \$1000.00 payable in advance.

4-322. TWENTY-FOUR HOUR MALT BEVERAGE PERMIT AND CATERING PERMIT.

(a) A malt beverage permit authorizing the sale of malt beverages only may be issued by the Town Council to any responsible person or organization for sales at a picnic, bazaar, fair, rodeo, special holiday or similar public gathering. No person or organization holding the special permit shall sell any alcoholic liquor other than malt beverages on the premises described on the permit. Nor shall any malt beverage be sold or consumed off the premises authorized by the permit.

(b) A catering permit authorizing the sale of alcoholic and malt beverages may be issued by the Town Council to any person holding a retail liquor license authorizing the off-premises sale of both alcoholic and malt beverages, for sales at meetings, conventions, private parties and dinners, or at other similar gatherings not capable of being held within the licensee's licensed premises. No licensee holding a catering permit shall sell or permit consumption of any alcoholic or malt beverages off the premises described in the permit.

(c) The permits authorized for this section shall be issued for one (1) twenty-four (24) hour period subject to the schedule of operating hours provided by Section 4-326 of this Ordinance, and shall not authorize sales or consumption on the premises described for more than six (6) twenty-four-hour periods in any one (1) year by the same permittee.

(d) The malt beverage permit and the catering permit shall be issued on application to the Town Council without public notice or hearing. Any applicant applying for a permit authorized by this section and having licensed premises located within a jurisdiction other than the jurisdiction to which application is made, shall secure the written approval of the licensing authority of that jurisdiction in which the licensed premises are located prior to filing application for a permit.

(e) The fee for the malt beverage permit and the catering permit shall be \$25.00 payable in advance.

4-323. HOSPITALS, RELIGIOUS ORGANIZATIONS, PHYSICIANS, AND DENTISTS.

An alcoholic beverage permit is required for the purchase from the Wyoming Liquor Commission or a wholesaler of alcoholic or malt beverages by hospitals, religious organizations, and licensed physicians and dentists, but the permit shall not authorize resale and shall be issued gratis by the

Town Council.

4-324. TRANSFER OF LICENSED LOCATION AND OWNERSHIP.

(a) After public hearing and with the approval of the Town Council, a license or permit, except a restaurant license, may be transferred to or renewed on different premises on the same basis as the original application except that no additional license fee is required during the term of the license or permit. The transferred license or permit shall expire on the same date as the original license or permit.

(b) A licensee, or the executor or administrator of the estate of a deceased licensee, may assign and transfer the license or permit by a sale made in good faith. The assignment and transfer shall first have the approval of the Town Council, which consideration shall be based in part upon a public hearing and an application filed under oath by the assignee or the transferee showing the person or entity to be qualified to hold a license or permit under Wyoming law. The approval of the transfer shall not be given by the Town Council if proceedings are pending to suspend, revoke, or otherwise penalize the original license or permit holder. A transferable license or permit shall not require the payment of any additional license fee for the transfer and upon assignment the assignee may exercise the privilege of continuing the business authorized by the license or permit.

4-325. TRANSFER OR SALE OF LICENSE ONLY AS PROVIDED ABOVE. No license or permit shall be transferred or sold except as provided by Section 4-324, used for any place not described in the license or permit at the time of issuance, or subject to attachment, garnishment, or execution.

4-326. HOURS OF OPERATION; GENERALLY, AND ON SUNDAYS; EXCEPTIONS.

(a) All licensees except trains holding liquor licenses shall be controlled by the following schedule for operating hours:

(1) On all days except Sunday, a licensee may open the dispensing room at 6:00 a.m. and shall close the dispensing room and cease the sale of both alcoholic and malt beverages promptly at the hour of 2:00 a.m. the following day and shall clear the dispensing room of all persons other than employees by 2:30 a.m.; and

(2) On Sundays, licensees may open the dispensing room between the hours of 12:00 noon and 10:00 p.m. and shall clear the dispensing room of all persons other than employees by 10:30 p.m.

(b) The hours of operation designated in sub-section (a) of this section may be modified on no more than four (4) days each calendar year by a resolution or agreement made each year by the Town Council designating those dates during town or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing rooms for a period of twenty-four (24) hours beginning at 6:00 a.m. on days other than Sunday and beginning at 12:00 noon on Sundays.

4-327. LOCATION, REGULATION AND RESTRICTIONS AS TO PLACE OF SALE.

(a) The principal place in which alcoholic and malt beverages are sold under a license shall be located in one (1) room upon the premises for which the license is issued and as approved by the Town Council. Upon payment of an additional license fee equal to two thirds (2/3) of the fee paid for the original license, a licensee may have and maintain one (1) additional dispensing room in the same building under the authority of the original license. Alcoholic beverages secured in the licensed room

by a server may be served only in the building in which the licensed room is located. Only alcoholic and malt beverages, non-alcoholic beverages, food, tobacco, and national alcoholic and malt beverage promotional sales items sold to the licensee bearing the name and trademark of the national alcoholic liquor and malt beverage firm or company whose products the item is advertising may be sold and served in the licensed room. The Town Council shall, as often as necessary, inspect the licensed room and adjoining rooms where alcoholic beverages are served to ensure that the licensee is in compliance with sanitation and fire hazard requirements and other applicable laws. A licensee may separate the facility for the sale of alcoholic liquor and malt beverages for off-premise consumption from the facility used to serve customers for on-premise consumption without payment of an additional fee. A separated facility for making sales for off-premise consumption shall be located adjoining the facility for making sales for on-premise consumption. The two facilities may be separated by glass or other suitable partition.

(b) If a licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one (1) additional dispensing room under the same fee referred to in sub-section (a) of this section. For purposes of this sub-section a convention facility shall have and maintain all of the following:

- (1) Motel or hotel sleeping room accommodations;
- (2) Restaurant facilities; and
- (3) Conference facilities.

(c) The Town Council may issue a twenty-four (24) hour permit to any licensee authorizing the sale of alcoholic or malt beverages in one (1) additional dispensing room in the same building licensed by the original license for a twenty-four (24) hour period only. No one licensee shall be issued more than six (6) permits in any one-year period. The fee for the period will be \$ 25.00 payable in advance.

4-328. STORAGE OUTSIDE LICENSED PREMISES PROHIBITED; EXCEPTIONS.

Retail licensees shall not store alcoholic liquor outside of the licensed premises unless he files with the Wyoming Liquor Commission a written statement that he stores liquor in a place other than his place of business and states the exact location of the storage place.

4-329. MINORS RESTRICTED FROM DISPENSING ROOM; EXCEPTIONS; PENALTY.

(a) No licensee or agent, employee, or servant thereof shall knowingly permit any person under the age of twenty-one (21) to enter or remain in the licensed room or rooms where alcoholic or malt beverages are dispensed.

(b) When the licensed room or rooms are not open for the sale or dispensing of alcoholic or malt beverages, employees of the licensee under the age of twenty-one (21) may be permitted in the course of their employment to work in the room or rooms.

(c) Any person violating sub-section (a) of this section or aiding, abetting, or inciting any violation thereof is guilty of a misdemeanor, and upon conviction, shall be fined not more than \$750.00, imprisoned for not more than six (6) months, or both.

4-330. PROHIBITED ACTS WITHIN DISPENSING ROOMS. No licensee or agent or employee thereof shall knowingly permit prostitution, lewdness, or assignation as defined by W.S. 6-5-106, any unlawful act pursuant to W.S. 6-5-107, or gambling as prohibited by W.S. 6-9-101 within any

dispensing room, building, or premises licensed under this Ordinance.

4-331. DRIVE-IN AREAS; CONDITIONS FOR OPERATION. A drive-in area adjacent or contiguous to the licensed room may be used by the holder of a retail liquor license for taking orders, making delivery of, and receiving payment for alcoholic or malt beverages under the following conditions:

- (a) The holder of the retail liquor license shall own the area or hold a written lease for the period for which the license was issued.
- (b) No part of the area used for orders, delivery, or making payment shall be more than forty (40) feet distant from the licensed room.
- (c) The area shall be well lighted and subject to inspection by the Town Council at any and all times.
- (d) No walls or screens shall interfere with observing and checking the part of the area used for orders, delivery, and payment.
- (e) No orders shall be received from, nor delivery made to a minor or intoxicated person in the area.
- (f) No part of a publicly-owned sidewalk, highway, street or alley shall be used for taking orders or conducting sales.
- (g) Alcoholic liquor or malt beverages shall be sold and delivered in the drive-in area only in the original, unopened package and consumption of alcoholic liquor or malt beverages in the drive-in area shall not be permitted.

4-332. RESTRICTIONS OR DENIAL OF RIGHT TO USE DRIVE-IN AREAS. The agents and officers of the Town Council administering the retail liquor license shall determine whether traffic conditions or physical circumstances hindering law enforcement should require a decision forbidding or restricting sales and delivery in any drive-in area. If by resolution of the Town Council the right of the licensee to use certain drive-in areas is forbidden or restricted, that resolution shall be complied with by the licensee.

4-333. SALE OR FURNISHING ALCOHOLIC LIQUOR OR MALT BEVERAGE TO MINORS. Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) who is not his legal ward, medical patient, or member of his own immediate family is guilty of a misdemeanor.

4-334. PURCHASE AND POSSESSION BY MINORS.

(a) Any person who has not yet reached the twenty first (21st) anniversary of his birth, who possesses or consumes any alcoholic liquor or malt beverage, or who is drunk or under the influence of any intoxicating liquor or drug or malt beverage at any place within the limits of the Town of Cokeville, Wyoming, is guilty of a misdemeanor.

(b) Any person under the age of twenty-one (21) who attempts in any manner to purchase

alcoholic or malt beverages who falsifies any identification or uses any false identification in order to obtain alcoholic or malt beverages is guilty of a misdemeanor.

(c) Any person who violates this section, or aids, abets, or conspires with any other person in violation hereof is guilty of a misdemeanor, and upon conviction shall be fined not more than \$750.00, imprisoned for not more than six (6) months, or both.

(d) A motor vehicle driver's license, a registration certificate issued under the federal selective service act, an identification card issued to a member of the armed forces, or an identification card issued by the department of revenue is prima facie evidence of the age and identity of a person. Proof that a licensee or his employee or agent demanded, was shown, and acted in reasonable reliance upon the information contained in one of the above documents as identification is a defense to any criminal prosecution or action for the suspension or revocation of a license.

4-335. TRANSPORTING OR POSSESSING IN MOTOR VEHICLE WITH INTENT TO FURNISH TO MINOR.

(a) No adult shall transport, or have in his possession or control any alcoholic liquor or malt beverage with the intent of furnishing the same to any minor while operating or occupying a motor vehicle.

(b) Any person who violates sub-section (a) of this section is guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

4-336. PERSONS UNDER THE INFLUENCE. Any person who is drunk or under the influence of intoxicating liquor or drugs or malt beverages, on any street or highway or in any public place is guilty of a misdemeanor.

4-337. OPEN CONTAINERS.

(a) It shall be unlawful to consume or to possess alcoholic or malt beverages in an open container while operating a motor vehicle.

(b) It shall be unlawful for any person to consume or to carry in an open container any alcoholic or malt beverage while upon a public street, sidewalk, curb, or other public area, except areas designated by the Town Council for the consumption of such beverages, and areas licensed by a twenty-four (24) hour malt beverage or catering permit in accordance with Section 4-322.

(c) For the purposes of this Ordinance, an open container is any glass, cup, bottle, can or other receptacle used for drinking which is not sealed or capped.

4-338. PENALTY. Any person who violates any provision of this Ordinance for which no specific penalty is provided is guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

TITLE IV

BUSINESS REGULATIONS

Chapter 4

Transient Selling by Hucksters

4-401. **DEFINITION OF HUCKSTER.** A huckster as referred to in this Chapter shall be understood to be any person having no established place of business within the Town of Cokeville, who shall sell fruits, vegetables, poultry, eggs, or any farm products (exclusive of milk and milk products), whether the same be grown or produced by him outside of the State of Wyoming or purchased by him for sale to retail or wholesale establishments in the Town of Cokeville.

4-402. **SALE TO CONSUMER PROHIBITED.** No huckster as herein defined shall be permitted to sell to private individuals for their own consumption or use.

4-403. **LICENSE REQUIRED.** No business shall be solicited or sales made as herein provided, unless such huckster shall have a license therefore, to be secured in accordance with Town of Cokeville ordinance for business establishments.

4-404. **LICENSE FEE.**

(a) The fee for huckster's license, as herein required, shall be \$25.00 for a period of three (3) months or any part thereof.

(b) If, and when, any licensee under this Chapter shall have been engaged in such business in the Town of Cokeville for a period of one year, he shall no longer be deemed a temporary or transient business, and the Town Clerk is hereby authorized to refund to him (upon acknowledged official receipt) the amount of cash bond required by Section 4-410 hereof, less the amount of occupation tax for one year for the business engaged in; said sum to belong to the Town of Cokeville as license fee under this chapter; and thereafter said licensee shall be permitted to continue in such business within the Town of Cokeville upon yearly payments of further license fee as required by the town ordinances.

(c) Should the licensee discontinue any business for which he is licensed under this ordinance, before the expiration of one year, the Town Clerk is hereby authorized to refund to said licensee the amount, if any there be, remaining of the cash bond required under Section 4-410, after making deductions as follows: \$150.00 as license fee for each and every month during which said licensee was engaged in such temporary or transient business, or for as many months thereof as the amount of said cash bond will cover.

4-405. **SALE OF LOCAL FARM PRODUCTS.** Any farmer or producer who is a bona fide resident of Wyoming, desiring to sell at wholesale or retail to local dealers, any vegetables, poultry, eggs, or any product grown or produced by him on land within the State of Wyoming, (exclusive of milk or milk products, which shall be governed by state statute) shall first secure a license therefore from the Town Clerk, with the approval of the Mayor or Council. Such license shall be solely as a means of identification, for the purpose of registering and approving such sales of local products, as distinguished from sales by hucksters.

4-406. REGISTRATION FEE. The fee for such registration or license shall be Five Dollars (\$5.00) per year, or for any part thereof.

4-407. TEMPORARY OR TRANSIENT MERCHANDISING DEFINED.

(a) Any person, not a bona fide resident of the Town of Cokeville, who shall, either directly or indirectly, temporarily engage in the practice of selling merchandise, services or anything whatsoever, or making sketches, reproductions, photographs or enlargements of portraits or pictures, or in any other retail business not otherwise covered by ordinance, is hereby deemed to operate contrary to “the benefit of trade,” and shall be classed as a temporary or transient merchant.

(b) Should it appear that any such stock of merchandise is not a part of the regular stock of such merchant as evidenced by the tax assessment on such stock, made by the Assessor of Lincoln County, but has been brought into the Town of Cokeville, either:

(1) for the purpose of auction, or

(2) to be sold by any person who is not an established resident and merchant of the Town of Cokeville, and it is claimed that merchandise will be on sale for a limited time only; such facts shall be prima facie evidence that the person so offering such goods for sale is a transient merchant as defined in this ordinance, even though the intention be to offer such stock for sale in the establishment of a local dealer.

(c) For the purposes of this section, “regular stock” is hereby defined as any stock of goods which is acquired in the ordinary course of business or trade of the owner, and maintained for the ordinary business of the owner, or for replenishment of such stock as required from time to time.

4-408. EVIDENCE OTHERWISE MAY BE ACCEPTED. The actual purchase of the Town of Cokeville property, or presentation to the Mayor or Town Council of a bona fide lease for one year or more upon the business location to be occupied, may, at the discretion of the Mayor or Council, be construed as evidence of intent to become a part of the permanent business and trade interests of the Town of Cokeville, in which case the person furnishing such evidence shall be released from further consideration under this ordinance.

4-409. ISSUANCE OF LICENSE. No person shall engage in temporary or transient merchandising in the Town of Cokeville, without first obtaining a license therefore; said license to be issued by the Town Clerk with the approval of the Mayor, after the applicant has supplied bond, affidavit and statement as hereinafter required.

4-410. CASH BOND REQUIRED. Any temporary or transient merchant as herein defined, before engaging in any such business, shall, for each place of business so established, post a cash bond in an amount to be specified by the Mayor, of not less than \$150.00 or more than \$500.00, said bond to be in the form of a Cashier’s Check payable to the Town of Cokeville, and so held by the Town Clerk until disposed of as provided in Section 4-404 of this Chapter.

4-411. AFFIDAVIT REQUIRED. It shall be unlawful for any temporary or transient merchant to advertise or represent any merchandise as being sold as an insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer or

closing out sale, or as a sale of merchandise damaged by smoke, fire, water, or otherwise, or distress merchandise, unless he shall file with the Town Clerk an affidavit showing all the facts relating to the reasons for and the character of such sale so to be advertised or represented, and showing that the goods, wares and merchandise of such sales are in fact in accordance with such advertisements and representations. Such affidavit shall be sworn to by the applicant before a person authorized to administer oaths. If the applicant be a partnership, it shall be sworn to by a member of such partnership, or if applicant be a corporation, it shall be sworn to by one of the officers of such corporation. Every person making a false statement of any fact in such affidavit shall be deemed guilty of perjury and shall be punished for such offense as provided by the laws of Wyoming.

4-412. **STATEMENT.** Such affidavit shall include a statement of the names of the persons from whom the goods, wares and merchandise to be advertised or represented were obtained, the date of the delivery of said goods to the applicant, the place from which said merchandise was last taken, and all details necessary exactly to locate and fully to itemize all merchandise, so to be advertised and represented.

4-413. **MISREPRESENTATION.** If such affidavit shall fail to show that merchandise of such sale is in accordance with the proposed advertisements or representations as shown in such affidavit, or fails to disclose the facts as herein required, or if the Town Clerk learns that the said affidavit is untrue in any particular, then the Town Clerk shall refuse such applicant a license for such sale. Any license issued to such applicant shall state that such person is authorized and licensed to sell such merchandise, and advertise and represent the same as being sold as such insurance, bankrupt, railway wreck, insolvent, assignee, trustee, executor, administrator, receiver, syndicate, wholesale, manufacturer, or closing out sale of any merchandise, or as being damaged by smoke, fire, water or otherwise, or distress merchandise, or in any similar manner present any other fact, as shown by such affidavit.

4-414. **EXCLUSIONS.** The provisions of this Chapter shall not apply to sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business, or to sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy, or other public officers selling merchandise or property according to law, nor to any person who is a bona fide resident of the State of Wyoming selling fruits, vegetables, dressed meats, fowls or farm products which were produced on land within the State of Wyoming owned or controlled by said vendor.

4-415. **MAY ATTACH STOCK.** If any person who is liable for the deposit of such bond or payment of license fee as provided by this Chapter shall, after demand is made upon him by the Town Clerk or by the Police Chief, refuse or neglect to deposit such bond or pay such fee, the Town Attorney may, in his own name, but for the benefit of the Town of Cokeville, immediately commence and prosecute an action at law against such delinquent person for the recovery of such cash bond or license fee; and, for the purpose of securing any judgment which he might recover in such action, said Town Attorney may have the merchandise of such person attached upon the grounds and in the manner provided for in cases of attachment.

4-416. **PENALTY.** Any person violating any of the provisions of this Chapter, whether he be the owner of any merchandise sold or carried by him, or not, shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

TITLE IV

CHAPTER 5

ADULT SEXUALLY ORIENTED BUSINESSES

DIVISION 1. PURPOSE, FINDINGS AND DEFINITIONS.

4-501. PURPOSE. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Town. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

4-502. FINDINGS. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the governing body of the Town of Cokeville, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41(1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), and *Barnes v. Glen Theater, Inc.*, 501 U.S. 560.41991), and on studies and summary of studies in other communities including, but not limited to, Phoenix, Arizona; Minneapolis, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; and Beaumont, Texas; New York, New York; and also on findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); the governing body finds as follows:

(a) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are often uncontrolled by the operators of the establishments. Further, there is presently no mechanism in the Town of Cokeville to make the owners of these establishments responsible for the activities that may occur on their premises.

(b) Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(c) The documented evidence shows that sexually oriented businesses, because of their very nature, have a deleterious effect on both existing businesses around them and the surrounding residential areas adjacent to them, causing among other adverse secondary effects, increased crime and downgrading of property values.

(d) The evidence shows that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are operating in close proximity to each other, thereby contributing to crime, lower property values, urban blight and downgrading of the quality of life in the adjacent area.

(e) The evidence shows that sexually oriented businesses are frequently used for unlawful sexual activities including prostitution.

(f) The evidence shows increased crime and unhealthful conduct tend to accompany, concentrate around and be aggravated by sexually oriented businesses including but not limited to prostitution, pandering, public indecency, public disturbances and exposing minors to harmful materials.

(g) Sexually transmitted diseases, including Aids, are a legitimate health concern of the Town which requires reasonable regulations of sexually oriented businesses in order to protect the health and wellbeing of the citizens.

(h) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

(i) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult video arcades and also promotes the safety of law enforcement personnel.

(j) The general welfare, health, morals and safety of the citizens of the Town will be promoted by the enactment of this ordinance.

Section 4-503. DEFINITIONS.

(a) "ADULT ARCADE" means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other Image-producing devices are maintained to show Images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

(b) "ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE" means a commercial establishment which, devotes a significant or substantial portion of Its stock-in-trade or interior floor space to; or devotes a significant or substantial portion of Its advertising expenditures to the promotion of: the sale, rental or viewing, for any form of consideration any one or more of the following:

- (1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of specified sexual activities" or "specified anatomical areas or;
- (2) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental or material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE,

or ADULT VIDEO STORE so long as the provisions of Subsection (b) are otherwise met.

(c) “ADULT CABARET” means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) persons who appear in a state of nudity or semi-nude; or
- (2) by performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
- (3) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities: or “specified anatomical areas.”

(d) “ADULT MOTEL” means a hotel, motel or similar commercial establishment which:

- (1) offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- (2) allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

(e) “ADULT MOTION PICTURE THEATER” means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction of “specified sexual activities or “specified anatomical areas.”

(f) “ADULT THEATER” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

(g) “EMPLOYEE” means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises, or for the delivery of goods to the premises.

(h) “ESCORT” means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(i) “ESCORT AGENCY” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of Its primary business purposes for a fee, tip, or other consideration.

(j) “ESTABLISHMENT” means and includes any of the following:

- (1) the opening or commencement of any sexually oriented business as a new business;
- (2) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) the additions of any sexually oriented business to any other existing sexually oriented business; or
- (4) the relocation of any sexually oriented business.

(k) “MASSAGE PARLOR” means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations or any other treatment manipulation of the human body which occurs as a part of or in connection with “specified sexual activities”, or where any person providing such treatment, manipulation, or service related thereto, exposes their “specified anatomical areas”.

(l) “NUDE MODEL STUDIO” means any place where a person who appears semi-nude, in a state of nudity, or who displays “specified anatomical areas” and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Wyoming or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (1) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
- (2) where in order to participate in a class a student must enroll at least three days in advance of the class; and
- (3) where no more than one nude or semi-nude model is on the premises at any one time.

(m) “NUDITY” or a “STATE OF NUDITY” means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernable turgid state.

(n) “PERSON” means an individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

(o) “SEMI-NUDE” or in a “SEMI-NUDE CONDITION” means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(p) “SEXUAL ENCOUNTER CENTER” means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) activities between male and female persons and/or persons of the same sex when

one or more of the persons is in a state of nudity or semi-nude.

(q) “SEXUALLY ORIENTED BUSINESS” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

(r) “SPECIFIED ANATOMICAL AREAS” means:

- (1) the human male genitals in a discernable turgid state, even if completely and opaquely covered; or
- (2) less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(s) “SPECIFIED SEXUAL ACTIVITIES” means any of the following:

- (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- (3) excretory functions as part of or in connection with any of the activities set forth in (1) through (2) above.

4-504. CLASSIFICATION.

Sexually oriented businesses are classified as follows:

- (a) adult arcades;
- (b) adult bookstores, adult novelty stores, or adult video stores;
- (c) adult cabarets;
- (d) adult motels;
- (e) adult motion picture theaters;
- (f) adult theaters;
- (g) escort agencies;
- (h) massage parlor
- (i) nude model studios; and
- (j) sexual encounter centers.

DIVISION 2. LOCATION OF SEXUALLY ORIENTED BUSINESSES.

4-505. ZONING & SPACING.

(a) A person commits a misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than Highway Commercial District, as defined and described in C-2 of the Cokeville Town Code.

(b) A person commits an offense if the person operated or caused to be operated a sexually oriented business within 500 feet of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- (2) A public or private educational facility including but not limited to nursery

schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

- (3) A boundary of a residential district as defined in the Town of Cokeville zoning ordinance;
- (4) A boundary of a public district as defined in Town of Cokeville zoning ordinance or a public library;
- (5) The property line of a lot devoted to a residential use.

(c) A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business.

(d) A person commits a misdemeanor if that person causes or permits the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(e) For the purpose of subsection (b) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the property line of the lot or parcel containing the premises where a sexually oriented business is conducted, to the nearest property line of the lot or parcel of the premises, of a use listed in subsection (b). Presence of a city, county, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(f) For purposes of subsection (c) of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the property line of the lot or parcel in which each business is located.

(g) Any sexually oriented business lawfully operating on June 9, 1998, shall not be required to comply with subsection (a) through (f) of this Section.

DIVISION 3. ADDITIONAL REGULATIONS.

4-506. EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS OR LIVE ENTERTAINMENT IN VIEWING ROOMS.

(a) A misdemeanor is committed by a person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, if the person fails to comply with the following regulations:

- (1) The interior of the premises shall be configured in such a manner that there is an

unobstructed view from a manager's or employee's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's or employee's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's or employee's station.

(2) At least one employee shall be on duty at all times that any patron is present inside the premises.

(3) All viewing rooms and booths shall remain unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, no patron shall be permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(4) No viewing room may be occupied by more than one person at any time

(5) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) footcandles as measured at the floor level.

(6) The illumination described above shall be maintained at all times that any patron is present in the premises.

(7) No openings of any kind shall be allowed to exist between viewing rooms or booths.

(8) No employee shall knowingly or with reasonable cause to know, permit or allow a patron to commit on the premises an act of "public indecency" as set forth in Wyoming Statute 6-4-201.

4-507. NUDE MODEL STUDIOS.

(a) A person under the age of 18 years commits an offense If the person appears semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.

(b) A person commits an offense if the person appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

(c) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

4-508. PUBLIC NUDITY. Public nudity is prohibited within the Town of Cokeville, including in any sexually oriented business.

4-509. REGULATIONS PERTAINING TO ADULT THEATERS, AND ADULT CABARETS.

(a) It shall be a misdemeanor for a person who knowingly or intentionally appears, entertains or performs in a semi-nude condition in an adult theater or adult cabaret unless the person Is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage elevated at least two (2) feet from the floor.

(b) It shall be a misdemeanor for a patron or customer to pay or give directly any gratuity to any employee, before, during or after an employee has performed or entertained in an adult theater or cabaret. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performer.

(c) It shall be a misdemeanor for an employee, while semi-nude, to have physical contact with a customer or patron while on the premises. It shall be a misdemeanor for a customer to have physical contact with any employee while said employee is semi-nude in a sexually oriented business.

(d) Subsection (a) of this section shall not apply to an employee of a sexually oriented business, who, while acting in scope of their employment as a waiter, waitress, host, hostess or bartender comes within ten feet of a patron.

4-510. PROHIBITION AGAINST MINORS IN A SEXUALLY ORIENTED BUSINESS. A person commits a misdemeanor if the person knowingly or with reasonable cause to know, permits or allows

(a) A person under the age of 18 years to be admitted or remain on the premises of a sexually oriented business;

(b) A person under the age of 18 years to purchase goods or services at the business premises;

(c) A person under the age of 18 years to work at the business as an employee.

4-511. HOURS OF OPERATION. A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business, except for an adult motel, and allows such business to remain open for business at any time between the hours of 11:30 p.m. and 10:00 a.m. daily, Monday through Saturday, or anytime on Sunday.

Section 4-512. EXEMPTIONS.

(a) It is a defense to prosecution under Section 4-508 that a person appearing in a state of nudity did so in a modeling class operated:

(1) by a proprietary school, licensed by the State of Wyoming; a college, junior college, or university supported entirely or partly by taxation;

(2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

(3) In a structure:

(i) which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

(ii) where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

(iii) where no more than one nude model is on the premises at any one time.

4-513. ADVERTISING.

(a) A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business, and advertises the presentation of or depicts or exhibits any activity

prohibited by any applicable state statute or local ordinance.

(b) A person commits a misdemeanor if the person operates or causes to be operated a sexually oriented business, and displays or otherwise exhibits the materials or goods of such sexually oriented business in advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of sexually oriented business.

4-514. INJUNCTION. A person who operates or causes to be operated a sexually oriented business in violation of any section of this chapter of the Town Code is subject to a suit for injunction as well as prosecution for criminal violations. Each day a sexually oriented business so operates is a separate offense or violation.

Section 4-515. SEVERABILITY. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Section 4-516. CONFLICTING ORDINANCES REPEALED. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

4-517. TERRITORIAL JURISDICTION OF CHAPTER. The territorial jurisdiction of the regulations found in this chapter shall include all of the incorporated lands located within the Town, and, pursuant to W.S. 15-3-202, such other territory peripheral to the Town which is located within one-half mile of the corporate limits.

4-518. OPERATION STANDARDS.

(a) All windows, doors and other apertures shall be architecturally screened or otherwise obscured so as to prevent the viewing of the interior of the adult oriented entertainment business from without.

(b) No advertisement displays or merchandise available for sale or rent that includes or depicts specified sexual activities or specified anatomical areas shall be visible from any public right-of-way.

(c) All adult oriented businesses shall provide security personnel to control behavior of both indoor and outdoor patrons so they do not violate any laws. The security personnel shall be provided at a ratio of one per 10 parking spaces.

(d) No loitering or consumption of alcoholic beverages shall be allowed in sex-oriented business parking lots. Parking lots shall contain signage stating that loitering and consumption of alcoholic beverages are prohibited in parking lots.

(e) Total wall sign area shall not exceed 20 square feet. No signage associated with the business shall be visible from a State Highway or County Road without the approval of the Town Council. No flashing lights shall be permitted on any sign advertising a sexually oriented business.

(f) Parking shall be provided at a ratio of one space per two seats and/or one space per 100 square feet or gross foot area as determined by the Planning and Zoning Commission. The

Planning and Zoning Commission determination shall be based on the extent to which the adult oriented business provides seating for patrons.

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TITLE V

HEALTH, SAFETY, AND SANITATION

Chapter 1

Board of Health

5-101. CREATION AND DUTIES. The Mayor and Town Council shall constitute the Board of Health. It shall be the duty of the Police Chief to inquire into and examine all nuisances, sources of filth and causes of disease which they may deem dangerous to the public health, and report the condition of such too said Board of Health, who shall have the power to order the removal of all such nuisances, sources of filth, and causes of disease.

5-102. Repealed 2003.

5-103. REMOVAL OF PUTRID MEAT. Whenever any putrid or unsound meat of any type, hides or skins of any kind, or any putrid or unsound substance shall be found in any part of the Town of Cokeville, it shall be the duty of the Board of Health or any member thereof to cause the same to be destroyed, removed or disposed of in such a manner as the Board of Health or any member thereof may require.

5-104. ENFORCEMENT OF ORDERS BY POLICE CHIEF. It shall be the duty of the Police Chief, after being notified by the Board of Health or any member thereof that any order has been made by the Board or member as provided by this chapter, to see that such order is fully enforced, and in case of any refusal or neglect on the part of any person to comply with and obey such order, to enter proceedings in the name of the Town of Cokeville before the Police Judge in the Town of Cokeville against the person or persons violating this section.

5-105. Penalties. Any person refusing to comply with an order of the Board of Health, or the Police Chief as directed by the Board of Health, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 1-108, of the Revised Ordinances of Cokeville, as amended.

TITLE V

HEALTH, SAFETY AND SANITATION

Chapter 2

Animals

5-201. DEFINITIONS. As used in this Chapter, the following terms shall have meanings as indicated:

(a) ANIMAL: Shall mean any and all types of animals, both domesticated and wild, male and female, singular and plural.

(b) FOWL: Shall mean any and all fowl, domesticated and wild, male and female, singular and plural.

(c) AT LARGE: Shall mean off the premises of the owner or custodian of the animal or fowl, and not under the immediate control of the owner or custodian.

5-202. ANIMALS AND FOWLS AT LARGE. No person owning or having in his custody, dogs, animals, or fowl shall permit the same to go at large. Such action is hereby declared to be a nuisance, and dangerous to the public health and safety.

5-203. ANIMAL SHELTER. The Mayor, with the approval of the Town Council, is hereby empowered to appoint a person in or near the Town of Cokeville as agent for the Town of Cokeville for the management of an animal shelter.

5-204. PROPERTY OWNER MAY IMPOUND. Any person finding any animal or fowl upon his property to his injury or annoyance may take up the same and remove it to the animal shelter. If the shelter will not take possession of it or is not readily available, he may hold the animal or fowl in his own possession and as soon as possible notify the Police Chief of this custody, giving the description of the animal or fowl and the name of the owner thereof, if known. Any person, who in good faith, takes possession of an animal until he can notify the Police Chief or turn it over to the animal shelter, shall be immune from any civil or criminal penalties.

5-205. POLICE CHIEF TO TAKE POSSESSION. The Police Chief, as soon as possible after receiving notice, will dispatch an agent to appear at the premises and take possession of the animal or fowl.

5-206. RETURN TO OWNER. A police officer may, at his discretion, either return the animal or fowl to the lawful owner or leave the animal or fowl at the nearest animal shelter. The officer will then notify the owner or custodian of the offence of the animal or fowl being at large and issue a citation or take other action as he deems necessary to fulfill the requirements of this chapter.

5-207. OWNER TO PAY BOARD FOR ANIMAL. The owner or custodian who redeems an animal or fowl from the animal shelter will pay a board bill therefore on a per diem basis. The boarding rates shall be agreed upon by the Town and the agent managing the animal shelter.

5-208. OFFICER MAY IMPOUND. Any agent of the Police Chief, the Police Chief, or other person designated by the Town for such purpose is authorized to capture and impound any animal or fowl

found at large. Impounding is to be in accordance with the procedure authorized by this Chapter. In the event capture cannot be effected promptly, the officer, person or agent is authorized to destroy the animal or fowl.

5-209. DISPOSITION OF UNREDEEMED ANIMALS. Any animal or fowl not redeemed within five (5) days will be disposed of in such manner as is previously agreed upon between the Town of Cokeville and the manager of the animal shelter. The manager of the animal shelter is hereby made an agent of the Town of Cokeville for this purpose, and his actions in this regard are declared to be for a governmental purpose.

5-210. DOG AND CAT TAX AND FEES

DOG AND CAT TAX AND FEES.

(a) Any person living within the Town of Cokeville who shall own a dog and or cat, a dog and or cat shall be deemed to include both sexes of dogs and or cats of the age of four months or over, or keep the same shall, on or before the first day of July of each year hereafter, pay an annual license fee of \$5.00 for each female or male dog and or cat. Said dog and or cat must be vaccinated for rabies and show proof thereof in order to obtain a license.

(b) It shall be unlawful for any person to own, keep or harbor more than three (3) dogs and/or three (3) cats more than four (4) months old.

5-211. DOG AND CAT LICENSE. The Town Clerk shall issue a license to any person desiring to keep a dog and/or cat, upon the payment in advance of the appropriate license fee. Such license shall be numbered in the order of issuance.

5-212. COLLAR TAG. The Town Clerk shall issue a metal plate or tag with each dog and cat license. The tag shall bear the number of the license and the date and year of the issuance of the same. The owner of the dog or cat shall attach the metal tag to a collar which shall be worn by the licensed dog or cat.

5-213. IMPOUNDING OF DOGS AND CATS. Any dog or cat found within the Town limits of the Town of Cokeville without a current license tag shall be impounded at owner's expense and maybe disposed of after 5 days.

Reading Sept 14, 2021

5-214. ABANDONING ANIMALS. It shall be unlawful for any person to dump, liberate, or abandon any animal or fowl within the Town limits of the Town of Cokeville.

5-215. TRESPASSING. No dog license granted and issued by the Town of Cokeville shall ever be construed to be a license for any dog to trespass upon the premises or property of a neighbor nor to injure, frighten, threaten or intimidate any person whatsoever, and any vicious dog, whether licensed or not, or one that barks at pedestrians or children in a threatening manner or so as to frighten any person; or one that by trespass, or otherwise, harms or damages the shrub, plant, flower, tree, or other premises of any citizen of the Town of Cokeville, upon written and signed complaint to the Mayor or Police Chief, by such injured person or someone on his behalf, or by the owner or occupant of said

premises, said dog shall be captured wherever and however possible, by the Police Chief and his helpers, and placed in said animal shelter, subject to the provisions of the foregoing section and this ordinance, and shall not be redeemable, except on the written and signed application of the owner, wherein said owner also agrees to pay for the damages done, and to prevent recurrence of the thing or things complained against said dog. Provided, however, that the police justice can order the dog destroyed.

5-216. CONFINEMENT OF BITING DOG. Any dog biting a person shall be confined for a period of fourteen (14) approved days, either at the town approved dog pound or some other suitable place of impoundment approved by the Chief of Police and examined and diagnosed by a licensed veterinarian at the owner's expense.

5-217. VICIOUS DOGS. it is unlawful for any person to keep a dog which habitually bites persons lawfully coming upon the premises of the person who harbors, keeps, or owns said dog.

(a) A "vicious dog" is defined herein as any dog which demonstrates a propensity to bite or attack thereby causing reasonable fear or apprehension.

5-218. ANIMAL NEGLECT. It is unlawful for any person within the Town limits to abandon any animal, or cause cruel inhumane suffering of any animal, including but not limited to: torture which results from willfully causing painful death or mayhem, deprivation of food or water, or poisoning. This may also include further neglect of an owner who refuses to keep said animal under control after being cited for other animal violations.

5-219. PENALTIES. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction therefore shall be fined in an amount not exceeding \$750.00. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder. Payment of animal board and room in order to redeem an impounded animal shall in no wise reduce the penalty imposed by this Chapter. Penalties prescribed in 5-210 are in addition to any penalty prescribed by this section.

TITLE V

HEALTH, SAFETY AND SANITATION

Chapter 3

Garbage Control

5-301. DEFINITIONS: For the purposes of this Chapter, unless the context otherwise specifically requires, terms shall be construed to mean as follows:

(a) PERSON: Any individual, corporation, partnership, firm, syndicate, or association, or his, her or their agent, lessees, permittees, or trustees.

(b) GARBAGE: Every refuse accumulation of animal, fruit or vegetable matter, liquid, solid, or otherwise that attends the preparation, use, cooking, dealing in, raising or storing of any meat, fish, fowl, fruit or vegetables or other offensive matter of whatever kind or nature, including small food containers, cans, bottles, and paper cartons.

(c) ASHES: The earthly or mineral parts of combustible substances, including cinders, remaining after combustion of fuel.

(d) REFUSE: All waste matter or material of any kind or nature not included in the definition of garbage or ashes; provided, however, that human excrement shall not be included in any of the above definitions.

5-302. GARBAGE CONTAINERS. Covered garbage containers shall be furnished by the owner, lessee, or occupant of the premises where used. All containers shall at all times be kept in a sanitary condition. All garbage and refuse, all ashes, and all refuse matter shall be deposited in a covered garbage container, and no such garbage, ashes, or refuse matter shall be, at any time, allowed to accumulate at any place or in any building within the Town of Cokeville, except in the said containers.

5-303. ILLEGAL DUMPING OF REFUSE. No garbage, ashes, refuse, papers, bottles or other waste materials shall be dumped or piled in or along any street, alley, waterways, or any other part of the Town of Cokeville.

5-304. COUNTY LANDFILL. The Town of Cokeville will no longer maintain a public dump for the purpose of refuse disposal so long as Lincoln County maintains and operates a landfill for the citizens in Lincoln County. Existing dump sites owned by the Town of Cokeville remain the property of the Town and are no longer available for public dumping, except as provided for in 5-305.

5-305. The Town of Cokeville will maintain a landfill for the dumping of clean fill as defined by the State of Wyoming, Department of Environmental Quality, which excludes any material except clean soil, uncontaminated concrete or concrete block, or asphalt. No organic materials or materials that may cause voids within the dump pile will be allowed. The Town Council will approve each and every incidence of material to be dumped at the landfill and reserves the right to exempt everyone and anyone from depositing materials at the landfill. There will also be an approved fee schedule as follows, with the stipulation that the Town Council may increase or decrease the fees if they feel it is in the best interest of the Town to do so:

Any vehicle hauling up to two and one half (2 ½) cubic yards	\$30.00
Single axle dump over one ton.....	\$35.00
Tandem axle dump over five ton.....	\$50.00
Semi-truck load.....	\$100.00
Non-town resident.....	Double the above fees.

Fee will be paid prior to dumping of materials to the Town clerk during normal business hours.

5-306. MATERIALS BECOME PROPERTY OF TOWN. All substances, materials and matters deposited on the Town Dump shall from and after the time of said deposit be and become the property of the Town of Cokeville to be disposed of at the time and in the manner determined by its governing body.

5-307. REMOVING MATERIALS FROM DUMP. It is hereby made unlawful for any person, other than a Town official or employee to remove from the Town Dump any materials deposited there, without first obtaining permission in writing to do so from the Mayor or Town Council.

5-308. CARE OF TRASH CANS. It shall be unlawful for any person to deposit trash cans or garbage containers on or adjacent to the streets or alleys of the Town of Cokeville except on the day or days that such materials are being collected for removal to the Landfill and when said containers are left to have the materials contained therein removed to the Landfill, they shall in no event be left on any street or alley longer than a period of one day.

5-309. CARE OF ANIMALS. Any person keeping any animal within the limits of the Town of Cokeville shall at all times keep and maintain the premises, barn, pen, or place where any animal is kept in a clean and sanitary condition and shall remove all manure and waste periodically or when requested to do so by the Town, and dispose of the same by spreading it upon farm or garden land or otherwise as might be ordered by the Town, and to render the same inoffensive and sanitary.

5-310. Repealed 2003

5-311. Repealed 2003

5-312. Repealed 2003

5-313. PENALTIES. Any person who violates any provision of this Chapter or any provision of any regulation made in compliance with this Chapter shall upon conviction be punished as provided in Section 1-108 of the Revised Ordinances of Cokeville, as amended. Each day's failure of compliance with the provisions of this Chapter shall constitute a separate violation.

TITLE V

HEALTH, SAFETY AND SANITATION

Chapter 4

Streets and Sidewalks

5-401. OBSTRUCTIONS IN STREETS, ALLEYS OR SIDEWALKS PROHIBITED.

No person in the Town of Cokeville shall in any manner encumber or obstruct any street, alley, culvert, or sidewalk, or erect or place any building, in whole or in part, upon any street, alley, or sidewalk, or other public grounds, without first obtaining permission in writing from the Cokeville Town Council.

5-402. PERMIT REQUIRED FOR CONSTRUCTION, REPAIR, OR EXCAVATION OF SIDEWALKS OR STREETS.

No person shall construct, reconstruct, remove or excavate any part of a sidewalk or street within the Town of Cokeville, without first having secured a permit from the Town. In order to obtain the permit, there must be deposited with the Town Clerk the sum of \$50.00, or such other sum as may be considered necessary, when any oiled street is crossed, to be held as bond and surety, for the prompt and proper refill and repair of the sidewalk or street, built to the specification of the Town.

5-403. WORK TO COMPLY WITH PERMIT. No work, repair, reconstruction or excavation shall be done on any sidewalk or street except in strict compliance with the provisions of the permit issued therefore. All materials used shall comply with the specifications indicated by the said permit.

5-404. MARKING OF OBSTRUCTIONS AND CONSTRUCTIONS. Any person tearing up, removing or having any permissible obstruction on a sidewalk or street in the Town of Cokeville between sunrise and sunset shall post a notice not less than eighteen inches in length and twelve inches in width on each side of said construction or obstruction, with the word "DANGER" plainly printed in large letters of not less than four inches in length, and between the hours of sunset and sunrise, if the sidewalk or street or any part thereof still remains unrepaired, they shall place one road lantern or suitable flare or warning light on each side of the approach to the danger point and also barricade the obstruction.

5-405. DUTY TO REPLACE STREET OR SIDEWALK IN ORIGINAL CONDITION.

It shall be the duty of the person obtaining a permit under this Chapter to replace the street or sidewalk into its original condition as soon as possible. This shall include all backfill of material which shall be tamped into place in compliance with the Town, and then replace and repair the surface in a like condition as before the surface was changed and with a like surface, to be done as is approved by the City Engineer, or designated by the Town Council. If and when any depression or unevenness of the repaired surface occur, due to settling or other defect of refill or repair, the person obtaining the permit shall make such additional refill or repair as necessary to return the area to its original condition. If the Town repairs the street to its' original condition, the permit holder will bear the cost of repair born by the Town.

5-406. DAMAGING STREET SURFACE. No person shall drive or cause to be upon any of the streets or alleys of the Town of Cokeville any machine or vehicle with cleated or lug bearing wheels or tracks, or any object or thing that does or is likely to do damage to the surface of any street, alley,

or sidewalk in the Town of Cokeville.

5-407. STREET BARRIERS. Whenever it becomes necessary for the Street Commissioner or any other Town Official to close traffic on any street, alley, or sidewalk in the Town of Cokeville, for any purpose, it shall be the duty of such official to erect or cause to be erected, suitable barriers across said street, alley, or sidewalk with appropriate warning lights in operation from dusk to daylight.

5-408. UNLAWFUL TO INTERFERE WITH BARRICADE. It shall be unlawful for any person to drive upon or into any such barricade, repairs, or street closed off by such barricade or to remove or cause to be removed any such barricade or any warning device.

5-409. REFUND OF BOND. When, in the opinion of the Street Commissioner or other officer of the Town authorized by the Mayor, it appears that all of the necessary repairs have been made by the one holding a permit under this Chapter, the Town Clerk may refund any part of the bond that is not necessary to protect the Town of Cokeville or any of its citizens against loss or damage from the work done by the permittee or his employees or agents.

5-410. PARKING TIME LIMITED ON CERTAIN STREETS. The Town Council is hereby empowered to limit parking on the first street in the business district and such other streets as they may determine necessary between the hours of 8:00 a.m. and 6:00 p.m. Such limitations shall be for one hour, two hours, or any reasonable period determined by the Town Council. Such areas so limited shall be posted with a sign clearly indicating the time limitation in force for such area.

5-411. PENALTIES. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

TITLE V

HEALTH, SAFETY AND SANITATION

Chapter 5

Privies and Cesspools

5-501. **STATEMENT OF POLICY.** It is the policy of the Town of Cokeville to eliminate all possible causes of pollution of streams, rivers, or underground water which constitutes or may constitute a source of culinary water used in or near the Town of Cokeville. It is also the expressed policy of the Town of Cokeville to protect the health, safety, and welfare of the residents of the Town of Cokeville and those living near said Town by removing all unsanitary accumulations of human excrement.

5-502. **USE OF PRIVIES AND CESSPOOLS PROHIBITED.** The use, construction, or maintaining of privies, privy vaults, septic tanks, outhouses or cesspools within the Town of Cokeville is hereby declared a public nuisance menacing the health, safety and welfare of the residents of this Town, and the use of such facilities is hereby declared to be unlawful.

5-503. **REMOVAL OF PRIVIES AND CESSPOOLS.** After a residence or business establishment has been connected to the Town of Cokeville sewer system, all privies, privy vaults, cesspools, septic tanks or outhouses shall be removed, and the resulting hole shall be filled in such a manner as to prevent future sinkage or cave-ins.

5-504. **COSTS OF REMOVAL.** The costs of compliance with this Chapter shall be borne by the owner, occupant, or resident of the premises from which the privy, privy vault, cesspool, septic tank or outhouse is removed. In the event such person shall refuse or neglect to comply with the provisions of this Chapter, agents of the Town of Cokeville may remove the privy, privy vault, cesspool, septic tank or outhouse and shall properly fill any resulting hole. The costs of such action by the agents of the Town of Cokeville shall be assessed against the real property from which the above-described facilities were removed.

5-505. **NOTICE.** The Mayor, the Town Council, or any other official of the Town of Cokeville shall cause to be served upon any person failing to comply with the provisions of this Chapter, a written notice demanding that the use of the privy, privy vault, cesspool, septic tank, or outhouse be discontinued, and that the same be removed within a period of not less than three months from the date of service of the notice. Personal service or service by mail are permissible.

TITLE V

HEALTH, SAFETY AND SANITATION

Chapter 6

Fire Prevention Code

5-601. PURPOSE OF CODE. This fire prevention code is enacted in order to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from hazards of fire, and explosion arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of any buildings or premises.

5-602. APPLICATION OF CODE. The provisions of this Chapter shall apply equally to new, as well as to existing conditions, except that existing conditions not in strict compliance with the terms of this Code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property in the opinion of the Fire Chief, the State Fire Marshal, or the inspection deputies operating under the supervision of either fire officer.

5-603. CREATION AND ORGANIZATION OF VOLUNTEER FIRE DEPARTMENT:
COOPERATION WITH BEAR RIVER FIRE PROTECTION DISTRICT.

(a) The Town shall have the authority, if it directs, to create and establish a volunteer fire department in and for the Town of Cokeville with such officers and staff as from time to time to be directed by the Mayor and the Town Council. If a fire department is created, the same shall be under the control and administration of the Fire Chief, who shall be appointed by the Mayor, and act by and with the advice of the Mayor and Town Council; provided, however, that as of the effective date of this Ordinance, the Town shall not have a separate volunteer fire department, but shall act in cooperation with the Bear River Fire Protection District. In the event that the Bear River Fire Protection District is discontinued, or if the Town of Cokeville determines that it is in its best interest to re-establish its volunteer fire department, then said department shall operate as provided for herein.

(b) Cooperation with Bear River Fire Protection District

(1) Fire protection for the Town of Cokeville shall be under the direction of the Bear River Fire Protection District. The Fire Chief and members of the Bear River Fire Protection District, acting under the order of the Board of the Bear River Fire Protection District, or its designated representative, shall have full and complete police powers and authority at all fires and all matters pertaining to the enforcement of all provisions under Title V, Chapter 6, the "Fire Protection Code" of the Town of Cokeville, and any reference to the Fire Department shall be considered reference to the Bear River Fire Protection District, and any mention or reference to the Fire Chief, Fire Marshal, or Fire Inspector shall refer to the Fire Chief of the Bear River Fire Protection District. The Bear River Fire Protection District shall have authority pertaining to the enforcement of provisions of this Code and other ordinances of the Town of Cokeville.

(2) The Chief of Police and all members of the Town Police Department shall be subject to the reasonable orders of the Chief of the Bear River Fire Protection District at fires and shall cooperate with the Chief in the enforcement of such provisions of this code and other

ordinances of the Town of Cokeville.

(3) The Chief of the Bear River Fire Protection District may prescribe limits at fires within which no person shall be admitted except by his order.

(4) It shall be unlawful to interfere in any way with the Bear River Fire Protection District in the performance of its duties.

(5) It is the intent of this section to grant to the Bear River Fire Protection District the rights, duties and responsibilities pertaining to the enforcement and prevention of fires and related matters within the Town of Cokeville. It is also the intent of this section to make members of the Town of Cokeville Volunteer Fire Department members of said Bear River Fire Protection District.

(6) Fire restrictions placed by the Board of Commissioners of Lincoln County shall be in full force and effect within the Town of Cokeville as of the date passed by said Board. The Town reserves the right to change, modify, or remove such fire restrictions as it deems necessary within the boundary of the Town of Cokeville.

5-604. DEPARTMENT REGULATIONS. The Fire Department may adopt such rules and regulations as might be necessary for its proper organization. Any such rule or regulation adopted shall not conflict with any Town of Cokeville Ordinance, State Law, or safety regulations promulgated by the State Fire Marshal's office.

5-605. FIRE ALARM. A public fire alarm may be provided.

5-606. APPARATUS AND EQUIPMENT. Proper motorized apparatus and equipment adequate to meet the fire prevention needs of the Town of Cokeville shall be provided for the Fire Department. Recommendations for additional equipment and supplies or for repairs and maintenance shall originate from officers of the Fire Department, and shall be considered by the Mayor and the Town Council.

5-607. INTERFERENCE WITH FIRE OFFICERS. Any person who shall willfully hinder or interfere with any officer or fireman in the discharge of his duties at a fire, or in any manner damage, deface, or destroy any engine, hose, or other fire apparatus belonging to the Fire Department, or shall willfully break or damage any water pipe or interfere with, damage, cut, deface, or break any wire, insulator or pole, apparatus, appliance or fixture appertaining to or in any way connected with the fire alarm system of the Town of Cokeville shall be guilty of a misdemeanor.

5-608. FIRE INSPECTORS. The Fire Chief may be the Fire Inspector, and shall have the right to designate any member of the Fire Department or Police Department to assist him in his duties as Fire Inspector; provided, however, that the Town may allow the State Fire Marshal or his representative to conduct any inspection(s) required.

5-609. RIGHT TO ENTER PREMISES BY FIRE INSPECTORS. Any Fire Inspector may, at any reasonable hour, enter any building or premises, except the interiors of private dwellings, within the Town of Cokeville for the purpose of making any inspection or investigation which under this Chapter he might deem necessary.

5-610. ROUTINE INSPECTION OF BUILDINGS. The Fire Inspector may inspect or cause to be inspected as often as may be necessary, all buildings and premises, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fires, or any violations of the provisions of this Chapter or any ordinance controlling fire hazards.

5-611. SPECIAL INSPECTIONS. The Fire Inspector, upon the complaint of any person, or whenever he shall deem it necessary, shall make such other inspections as he shall desire within the Town of Cokeville.

5-612. REMOVAL OF FIRE HAZARD. Whenever any inspector shall find in any building or premises, any condition which constitutes a fire hazard, he shall give written order for the same to be remedied or removed. Any such fire hazard shall be promptly removed by the person in charge of the building or premises. Whenever any inspector shall find any building in such a condition as to constitute a fire hazard, in danger of falling or collapsing, or otherwise in a dangerous condition, he shall give a written order to the owner or occupant of such building, for such building to be repaired, removed, razed or destroyed.

(a) The order provided for above, to repair, remove, raze or destroy any building which is a fire hazard, liable to collapse or otherwise dangerous, shall be served in the manner set out in Section 5-614 of the Revised Ordinances of the Town of Cokeville.

(b) In the event any property owner in the Town of Cokeville shall fail to comply with the order set out above of this ordinance within thirty days after the same shall have been served upon him, the Fire Chief shall proceed to repair, remove, raze or destroy such building which is a fire hazard or otherwise dangerous and the expenses incurred by the Fire Chief in repairing or destroying such building shall be a lien against the real property and shall be the personal obligation of said property owner and such expense may be collected by levying a special tax against said real property and the property owner for the expenses of enforcing this ordinance.

5-613. ENUMERATION OF FIRE HAZARDS. Fire hazards shall consist of, but shall not be limited to, the following enumerated conditions:

- (a) Lack of sufficient fire escapes;
- (b) Lack of or inadequate fire extinguishing equipment in a public building;
- (c) Presence of explosive or combustible material, or flammable conditions dangerous to the safety of the building or occupants thereof;
- (d) Obstructions of fire escapes, stairs, passageways, doors or windows, of such nature as to interfere with the operations of the Fire Department or egress of the occupants in case of fire;
- (e) Dangerous accumulations of rubbish, waste paper, boxes, shavings or any highly flammable material;
- (f) Dilapidated condition of a building.

5-614. PROCEEDINGS TO REMOVE FIRE HAZARDS. The Fire Inspector shall cause to be served upon any person maintaining a fire hazard, either as occupant or owner of such premises, a written order to abate the same either by delivering a copy of the notice to such person, or by affixing a copy thereof in a conspicuous place on the door to the entrance of the subject premises. Whenever It may be necessary to serve such an abatement order upon the owner of the premises within the Town of Cokeville, such order may be served either by delivering to and leaving with the said person a copy of the order or, if such owner is absent from the jurisdiction of the office making the order, by mailing

such a copy to the owner's last known address. Such owner or occupant of the premises shall forthwith comply with the terms of the order, provided, however, that any such owner or occupant may file a petition with the Mayor and Town Council praying for a review of such order, and it shall be the duty of the Mayor and the Town Council to hear the same not less than ten days nor more than 30 days from the time of filing the petition, and to make such order about the premises as reason and justice may require.

5-615. **INSPECTION OF ORIGIN OF FIRES.** The Fire Inspector or person designated by him shall investigate the cause, origin, and circumstances of every fire occurring in the Town of Cokeville, by which property has been destroyed or has been damaged, and so far, as possible shall determine whether the fire is the result of carelessness or design. In any fire where arson is suspected the State Fire Marshal's Office shall be promptly notified.

5-616. **RECORD OF FIRES.** The Fire Chief shall keep a record of all fires and of the facts concerning the same. Circumstances and situations and statistics as to the extent of the fire and of the damage caused thereby shall be recorded, as well as the insurance coverage, if any. A report of all fires causing over \$500.00 in property damage, serious or bodily injury, shall be promptly sent to the State Fire Marshal's Office.

5-617. **FIRE PRECAUTIONS IN SCHOOLS.** The Fire Chief shall notify the administrator(s) of public, private or parochial schools or educational institutions to keep all doors and exits unlocked during school hours and to conduct periodic fire drills.

5-618. **FIRE PROTECTION EQUIPMENT IN PUBLIC BUILDINGS.** All public buildings in the Town of Cokeville are to be equipped with proper numbers and kinds of firefighting equipment, as recommended by the Fire Chief, and shall, whenever there are two or more persons inside of said building, have all of the doors and exits thereto and there from unlocked in order that a prompt and proper exit might be made.

5-619. **EXPLOSIVE STORAGE PERMIT.** A permit to keep, use, store, or transport any explosive shall be obtained from the Chief of the Fire Department before any person engages in such conduct.

5-620. **STORAGE OF EXPLOSIVES.** All explosives shall be stored in any approved explosive magazine, located distances from neighboring buildings, highways, in conformity with the requirements as set forth by the Chief of the Fire Department. The Fire Chief shall determine the propriety of any given explosive storage magazine before issuing a permit therefore.

5-621. Repealed 2003

5-622. **BURNING OF WASTE, BONFIRES AND OUTDOOR RUBBISH FIRES PROHIBITED; EXCEPTION.** It shall be unlawful for any person to kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained within the town limits of the Town of Cokeville; provided, however, that this ordinance shall not restrict the right to maintain fires for the restricted purpose of outdoor cooking or barbequing; and further, provided, however, that school, religious and civic groups may apply to the Chief of the Fire Department for authorization to kindle and maintain a bonfire for special activities of such groups.

5-623. **CONFORMITY TO STATE AND NATIONAL STANDARDS.** All new construction and renovation of existing buildings, whether residential or commercial, shall be built in compliance with

all current existing codes, including but not limited to; electrical, plumbing, mechanical, structural, building, fuel gas, and life safety. These codes shall be the newest edition of approved and published codes that are accepted by the State of Wyoming. Any construction method not approved in the existing Ordinances of the Town of Cokeville shall require special permission for use by the Town of Cokeville. If more than one standard for an area of construction is recognized, the Town retains the right to determine which standard is to be followed.

5-624. Repealed 2003

5-625. Repealed 2003

5-626. Repealed 2003

5-627. Repealed 2003

5-628. Repealed 2003

5-629. Repealed 2003

5-630. Repealed 2003

5-631. Repealed 2003

5-632. Repealed 2003

5-633. Repealed 2003

5-634. Repealed 2003

5-635. Repealed 2003

5-636. Repealed 2003

5-637. Repealed 2003

5-638. Repealed 2003

5-639. Repealed 2003

5-640. ENFORCEMENT. The Fire Chief of the Cokeville Fire Department is charged with the duty of enforcement of the provisions contained in this Chapter, and in carrying out that duty, may call upon any other officer of the Town of Cokeville or the State of Wyoming to assist him.

5-641. PENALTY. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding \$750.00. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder. Costs assessed against property or property owners as compensation for agents of this Town for the removal and abatement of fire hazards allowed to exist by the owner or occupant of said premises shall in no way reduce the penalty imposed herein.

TITLE V

HEALTH, SAFETY AND SANITATION

Chapter 7

Trailer Court Code

5-701. DEFINITIONS. For the purposes of this Chapter, words and phrases shall have the meaning ascribed to them as follows:

- (a) HEALTH OFFICER: The legally designated Sanitary Inspector of the Town of Cokeville or his authorized representative.
- (b) PERMIT: A written permit issued by a health officer permitting the trailer court to operate under this Chapter and regulations promulgated hereunder.
- (c) TRAILER COURT: Any plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located.
- (d) TRAILER COACH: Any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.
- (e) DEPENDENT TRAILER COACH: A trailer coach which does not have a toilet and bathtub or shower.
- (f) INDEPENDENT TRAILER COACH: A trailer coach that has a toilet and bathtub or shower.
- (g) TRAILER COACH SPACE: A plot of ground within a trailer court designated for the accommodation of one trailer coach.
- (h) SERVICE BUILDING: A building housing toilet facilities for men and women, with slop-water closet and laundry facilities, and with separate bath or shower accommodations.

5-702. PERMITS. It shall be unlawful for any person to construct, maintain, operate, or alter any trailer court within the limits of the Town of Cokeville unless he holds a valid permit issued annually by the Health Officer in the name of such person for the specific trailer court. The Health Officer is authorized to issue, suspend, or revoke permits in accordance with the provisions of this Chapter and regulations promulgated there under.

5-703. INSPECTION. The Health Officer is hereby authorized and directed to make inspections to determine the condition of trailer courts located within the Town of Cokeville, in order that he may perform his duty of safeguarding the health and safety of the occupants of trailer courts and of the general public. The Health Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Chapter or of regulations promulgated hereunder.

5-704. **ADOPTION OF REGULATIONS.** The Health Officer is hereby authorized to make and, after public hearing, to adopt such written regulations as may be necessary for the proper enforcement of the provisions of this Chapter; provided that such regulations shall not be in conflict with the provisions of this Chapter. Such regulations shall have the same force and effect as the provisions of this Chapter, and the penalty for violation thereof shall be the same as the penalty for violation of the provisions of this Chapter, as hereinafter provided.

In addition to the requirements set forth in those regulations all trailer courts and facilities shall be established and constructed in compliance with all existing state and local statutes, ordinances, codes and regulations.

5-705. **SITE PROVISIONS.** The trailer court must be well-drained and not adjacent to swamps or marshes. The trailer court shall be adequately lighted at night. Each trailer coach space shall consist of a minimum of one thousand square feet, shall be at least 25 feet wide, and have its boundaries clearly defined. The space shall abut on a driveway, not less than 20 feet in width, which shall have unobstructed access to a public street or highway. Trailer coaches shall be parked on each space so there is 15 feet clearance between coaches, 10 feet between coaches and any adjoining property line, at least 25 feet between coaches and any public street or highway and at least 15 feet between coaches and any building or structure. No greater number of coaches shall be allowed than there are trailer coach spaces available therefore.

Sufficient area shall be provided for the parking of at least one motor vehicle for each trailer coach space. Motor vehicles shall not be parked between trailer coaches. A separate area shall be provided for recreational purposes. This area shall be in a location not subject to traffic hazards and shall provide 100 square feet of open area for each trailer coach space.

5-706. **SERVICE BUILDINGS.** Each trailer court which shall serve dependent trailer coaches as defined herein shall be provided with one or more service buildings adequately equipped with flush-type fixtures. No service building shall contain less than one toilet for women, one toilet for men, one lavatory and one shower for each sex, a urinal for males, a laundry tray, and a slop sink. These minimum fixtures will be adequate to serve up to 10 dependent trailer coaches. Additional fixtures shall be provided in the ratios mentioned below; toilet facilities for women shall consist of at least one flush-type water closet for every 10 dependent trailer coaches and toilet facilities for men shall consist of one flush-type water closet or urinal for every 10 dependent trailer coaches. Urinals shall be substituted for not more than 1/3 of the toilet fixtures required for men. Each water closet shall be in a private compartment. Toilet facilities for men and women shall be separated if in the same building, by a sound-resistant wall. A lavatory for each sex shall be provided for every 10 dependent trailer coaches and a bath or shower for each sex shall be provided for every 10 dependent trailer coaches and each bath or shower shall be in a private compartment.

Laundry facilities shall be provided in the ratio of one unit for every 10 trailer coach spaces. Drying space in the ratio of 50 feet to each coach space or other clothes drying facilities shall be provided to accommodate the trailer court occupants. A slop sink shall be provided in a separate room in the service building.

The service building shall meet the following requirements:

- (a) It shall be located not more than 200 feet from any dependent trailer coach nor less than 15 feet from any trailer coach;

- (b) It shall be of permanent construction and be provided with adequate light, heat and ventilation;
- (c) The interior shall be constructed of moisture-resistant material;
- (d) All rooms shall be well-ventilated with all openings screened.

5-707. **WATER SUPPLY.** An adequate and safe supply of water under pressure shall be supplied to each trailer court. The source and distribution system shall be approved by the State Health Officer. Each trailer coach space shall have a water supply outlet. An adequate supply of hot and cold water shall be provided at all times in the service buildings.

5-708. **SEWAGE DISPOSAL.** Waste from toilets, slop sinks, bathtubs, showers, lavatories and laundries shall be discharged in to the public sewerage system. The method of disposal shall meet with the approval of the State Health Officer. Each trailer coach space shall have a trapped sewer inlet to receive all trailer coach wastes.

5-709. **REFUSE DISPOSAL.** The storage, collection and disposal of refuse shall be in such manner as to avoid a health hazard or an odor nuisance. Refuse containers shall be provided in adequate numbers within 150 feet of each trailer coach. Garbage shall be collected at least twice a week.

5-710. **INSECT AND RODENT CONTROL.** The trailer court shall be kept free of rubbish and maintained in a sanitary condition at all times. Harborage places for rodents or other hosts of insect vectors shall be eliminated. Breeding places for flies and mosquitoes shall be eliminated or controlled by proper methods.

5-711. **ELECTRICITY.** An electrical outlet supplying at least 110 volts shall be provided for each trailer coach space. The installation shall comply with all state and local electrical statutes, codes and ordinances. Such electrical outlets shall be weatherproof. No power line shall be permitted to lie on the ground, or to be suspended less than 18 feet above the ground.

5-712. **PLUMBING.** All plumbing in the trailer court shall comply with state and local plumbing statutes and regulations.

5-713. **FIRE PROTECTION.** Every trailer court shall be kept free of flammable material at all times. Hoses and portable fire extinguishers shall be available and in good repair for use in fighting fires. Fires shall be made only in stoves, incinerators or other equipment intended for that purpose.

5-714. **FUEL.** Liquefied petroleum gas for cooking purposes shall not be used at individual trailer coach spaces unless the containers are properly connected by copper or other tubing as approved by the Town. Liquefied petroleum gas cylinders shall be securely fastened in place, and adequately protected from the weather. No cylinder containing liquefied petroleum gas shall be located in the trailer coach, nor within 5 feet of a door thereof.

5-715. **ALTERATIONS AND ADDITIONS.** No permanent addition of any kind shall be built onto or become a part of any trailer coach. Skirting of coaches is permissible, but such skirting shall not permanently attach the coach to the ground, provide a harborage for rodents or create a fire hazard. The wheels of any trailer coach shall not be removed except temporarily for repair. Jacks or stabilizers may be used under the trailer coach to prevent movement on the springs when the coach is parked and occupied.

5-716. RESTRICTION OF ANIMALS AND PETS. Dogs, cats and other pet animals shall not be permitted to roam at large in any trailer court.

5-717. REGISTRATION OF OCCUPANTS. Every trailer court owner or operator shall maintain a register containing a record of all trailer coaches and occupants using the trailer court. Such register shall be available to any authorized person inspecting the court, and shall be preserved for a period of six months. Such register shall contain:

- (a) The names and addresses of all trailer court occupants;
- (b) The make, model and license number of each motor vehicle and trailer coach;
- (c) The state, territory or county issuing the trailer license; and
- (d) The dates of arrival and departure of each trailer coach.

5-718. COMMUNICABLE DISEASES. It shall be the duty of all trailer court managers to report immediately to the Health Officer all known or suspected cases of communicable diseases.

5-719. PENALTIES. Any person who violates any provision of this Chapter 7 of Title V of the Revised Ordinances of the Town of Cokeville, or any provision of any regulation, shall upon conviction be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville. Each day's failure of compliance with any such provisions shall constitute a separate violation.

TITLE V

HEALTH, SAFETY AND SANITATION

Chapter 8

Irrigation Water

5-801. REQUIREMENTS WHEN IRRIGATING WITHIN THE TOWN OF COKEVILLE. It shall be and hereby is made the duty of each and every person, firm, or corporation, owning, having or using any water for irrigation which runs through the corporate limits of the Town of Cokeville, to keep in repair all ditches used or necessary to use in conveying the water to their lands and also all waste ditches to carry the waters from their premises so that none of the said water shall run upon or flood over any road, alley, street, or sidewalk, public or private property within the Town of Cokeville. Wherever any ditch extends into or across any sidewalk it shall be the duty of the owners or users of said ditch so crossing any sidewalk to provide and maintain a suitable bridge over said ditch, the top of such bridge or bridges shall be the full width of the sidewalk and shall be even with the surface of the ground or with the top of said sidewalk. Provided also that where any ditch extends through or across any part of the Town of Cokeville to convey water to or from lands outside of the Town, the owners or users of said ditch and the water carried or run therein shall be wholly responsible for the repair and maintenance of said ditch or ditches and shall not permit said waters to flood any street or walks, public or private property, in the Town of Cokeville.

5-802. IRRIGATION LIMITED TO CERTAIN MONTHS. No person or persons, company or corporation shall convey, flow or run any water through or by means of any irrigation or other ditch, into, though, over or upon any street, alley, sidewalk or street crossing, or any public or private property within the Town of Cokeville after the first day of November or before the first day of April of any year.

5-803. PENALTY. Any person or persons, firm, or corporation who shall violate any of the provisions of this ordinance or who shall be responsible either directly or indirectly for flooding with water any street, alley, road, or sidewalk, public or private property, or any part thereof, within the Town of Cokeville, or who shall fail, refuse, or neglect to comply with any of the provisions of Section 5-801 thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$750.00, together with costs, and shall also be liable civilly for any damages to any individuals or the Town of Cokeville.

TITLE V

HEALTH, SAFETY, AND SANITATION

Chapter 9

Communications Antennas

5-901. CONFORMANCE REQUIRED. No outdoor radio or communications antenna shall hereafter be constructed or erected, enlarged or altered within the Town of Cokeville which does not conform to the requirements of this ordinance.

5-902. PERMIT REQUIRED. A written application for a permit to construct, erect, enlarge or alter any outdoor radio or communication antenna shall be made to the Planning and Zoning Commission. All applications and plans shall be submitted and kept on file, together with a record of all permits issued hereunder. All permits shall be in writing.

5-903. CONSTRUCTION REQUIREMENTS. The construction requirements are as follows, to wit:

(a) A LIGHTNING ARRESTER shall be installed in each conductor of a lead-in from an outdoor antenna except that if lead-in conductors are enclosed in a continuous metal shield, the arrester may be used to protect the shield or may be omitted if the shield is permanently grounded to a ground which has a resistance of 25 ohms or less. The arrester shall not be located near combustible material or in a hazardous location.

(b) GROUNDING METAL SUPPORTS ON ROOF. Metal supporting poles or posts extending more than ten feet above the supporting building shall be permanently grounded as in Paragraph (a), except poles or masts which are themselves used as antennas.

(c) SUPPORTS. Outdoor antennas and counterpoise and lead-in conductors shall be securely supported. They shall not be attached to poles or similar structures carrying electric light or power wires. Insulators supporting the antenna or counterpoise conductors shall have sufficient mechanical strength to safely support the conductors. Lead-in conductors shall be securely attached to the antenna.

(d) LEAD-IN CONDUCTORS ATTACHED TO BUILDINGS shall be so installed that they cannot swing closer than three (3) feet to the conductors of circuits of 250 volts or less, or closer than ten (10) feet to conductors of circuits of more than 250 volts. The clearance between lead-in conductors, and conductor forming part of a lightning rod system shall not be less than six (6) feet. Lead-ins shall be supported at intervals not less than ten (10) feet apart.

(e) Repealed 2003

(f) GUYS FOR ALL PIPE MASTS. All masts requiring guys shall be guyed by not less than three and preferably four guys evenly spaced. Guy wires shall be of non-corrosive, stranded cable or wire, and of 300 lb. test strength. All guys shall be made mechanically secure to the roof, parapet or other masonry, attached to mast with guy rings and contain turnbuckles installed at the base end.

(g) PIPE MASTS OVER EIGHT FEET IN HEIGHT exclusive of the beam element shall be

guyed as outlined in Paragraph (f).

(h) PIPE MASTS OVER EIGHT FEET BUT NOT GREATER THAN TWENTY FEET in height exclusive of beam elements shall be guyed to a minimum of not less than two positions, the lower position not less than 6 feet or over 8 feet from the base, and within 2 feet of the top of the mast. Guys shall be installed as outlined in Paragraph (f).

(i) PIPE MASTS OVER TWENTY FEET. Pipe antenna masts of over twenty feet in height, exclusive of the antenna elements, shall be guyed not less than 5 feet or over 8 feet from the base. Subsequent guys shall be installed at intervals of 3 feet to 10 feet above the first set of guys, and the top set shall be within 2 feet of the top mast. Guys shall be installed as outlined in Paragraph (f); provided, however, the number of guys need not exceed three.

(j) FABRICATED MAST TOWERS shall be installed in accordance with the manufacturer's recommendations. If the tower is over twenty feet high, it shall be supported by at least two sets of guys installed in accordance with regulations as outlined in Paragraph (f), unless manufacturer's installation specifications deem this unnecessary and approval is given by the Planning and Zoning Commission.

(k) INSTALLATIONS. All masts and towers shall be so installed that the mast and antenna cannot fall on lower lines carrying 250 volts or more in event of failure of the masts or guys. All installations shall be made in a neat, safe and workmanlike manner.

5-904. ANTENNA MASTS. Wooden homemade multiple mast antennas or other unsightly antennas may not be constructed. Poles shall not be used to mount any type of communications antenna within the Town of Cokeville.

5-905. Repealed 2003

5-906. INSPECTION REQUIRED. Upon completion of the proposed construction, the Building Inspector shall inspect and examine the work to ascertain whether said work conforms to the provisions of this ordinance.

TITLE V

CHAPTER 10

FLOOD DAMAGE PREVENTION ORDINANCE

Statutory Authorization, Findings of Fact, Purpose, Objectives and Definitions

5-1000. STATUTORY AUTHORIZATION. The Legislature of the State of Wyoming has in W.S.15-1-103 delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the Town of Cokeville, Wyoming does ordain as follows:

5-1001. FINDINGS OF FACT.

(a) The flood hazard areas of the Town of Cokeville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss;

5-1002. STATEMENT OF PURPOSE. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- (8) To ensure that those who occupy the areas of special flood hazard assume

responsibility for their actions

5-1003. METHODS OF REDUCING FLOOD LOSSES. In order to accomplish its purposes, this ordinance includes methods and provisions for;

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

5-1004. DEFINITIONS. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(a) "Appeal" means a request for a review of the Cokeville Planning and Zoning Commission interpretation of any provisions of this ordinance or a request for a variance.

(b) "Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year.

(c) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

(d) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(e) "Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of this ordinance.

(f) "Expansion to existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(g) “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from;

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

(h) “Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

(i) “Flood Insurance Study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

(j) “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

(k) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home does not include a “recreational vehicle.”

(l) “New construction” means structures for which the “start of construction” commenced on or after the effective of the original ordinance, and includes any subsequent improvements to such structures.

(m) “New manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

(n) “Recreational vehicle” means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(o) “Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways;

nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(p) “Structure” means a walled and roofed building or manufactured home that is principally above ground.

(q) “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(r) “Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure?”

(s) “Variance” means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

GENERAL PROVISIONS

5-1005. LANDS TO WHICH THIS ORDINANCE APPLIES. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Cokeville.

5-1006. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, “The Flood Insurance Study for the Town of Cokeville”, dated September 21, 1998 with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and FIRM are on file at the Cokeville Town Hall in the Town of Cokeville.

5-1007. COMPLIANCE. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

5-1008. ABROGATION AND GREATER RESTRICTIONS. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However,

where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

5-1009 INTERPRETATION. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and,
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

5-1010. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Cokeville, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

ADMINISTRATION

5-1011 ESTABLISHMENT OF DEVELOPMENT PERMIT. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 5-1006.

Application for a development permit shall be made on forms furnished by the Cokeville Planning and Zoning Commission and may include, but not be limited to:

Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (a) Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- (b) Elevation in relation to mean sea level to which any structure has been floodproofed;
- (c) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5-1024; and,
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

5-1012. DESIGNATION OF THE COKEVILLE PLANNING AND ZONING COMMISSION. The Cokeville Planning and Zoning Commission is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

5-1013. DUTIES AND RESPONSIBILITIES OF THE COKEVILLE PLANNING AND ZONING COMMISSION. Duties of the Cokeville Planning and Zoning Commission shall include, but not be limited to:

5-1013.1 PERMIT REVIEW.

- (a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied;
- (b) Review all development permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.
- (c) Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this ordinance, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

5-1013.2 USE OF OTHER BASE FLOOD DATA. When base flood elevation data has not been provided in accordance with Section 5-1006, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, The Cokeville Planning and Zoning Commission shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 5-1022, SPECIFIC STANDARDS.

5-1013.3 INFORMATION TO BE OBTAINED AND MAINTAINED.

- (a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (b) For all new or substantially improved floodproofed structures:
 - (1) Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
 - (2) Maintain the floodproofing certifications required in Section 5-1011 (c).
- (c) Maintain for public inspection all records pertaining the provisions of this ordinance.

5-1013.4 ALTERATION OF WATERCOURSES.

- (a) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

5-1013.5 INTERPRETATION OF FIRM BOUNDARIES. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5-1014.

VARIANCE PROCEDURE

5-1014. APPEAL BOARD.

- (a) The City Council, as established by the Town of Cokeville, shall hear and decide appeals and request for variances from the requirements of this ordinance.
- (b) The Cokeville City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Cokeville Planning and Zoning Commission in the enforcement or administration of this ordinance.
- (c) Those aggrieved by the decision of the Cokeville City Council, or any taxpayer, may appeal such decision to the District Court as provided in W.S. 5-6-107.
- (d) In passing upon such applications, the Cokeville City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - (1) the danger that materials may be swept onto other lands to the injury of others;
 - (2) the danger to life and property due to flooding or erosion damage;
 - (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - (4) the importance of the services provided by the proposed facility to the community;
 - (5) the necessity to the facility of a waterfront location, where applicable;
 - (6) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) the compatibility of the proposed use with the existing and anticipated development;
 - (8) the relationship of the proposed use to the comprehensive plan and floodplain

management program for that area;

- (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (11) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

(e) Upon consideration of the factors of Section 5-1014(4) and the purposes of this ordinance, the Cokeville City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

The Cokeville Planning and Zoning Commission shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency Management Agency.

5-1015. CONDITIONS FOR VARIANCES.

(a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-11) in Section 5-1014 (d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justifications required for issuing the variance increases.

(b) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.

(c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(e) Variances shall only be issued upon:

- (1) a showing of good and sufficient cause;
- (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant and
- (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in

Section 5-1014(4) or conflict with existing local laws or ordinances.

(f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

PROVISIONS FOR FLOOD HAZARD REDUCTION

5-1016. GENERAL STANDARDS. In all areas of special flood hazard, the following standards are required:

5-1017. ANCHORING.

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

(b) All manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

- (1) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.
- (2) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
- (3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- (4) any additions to the manufactured home be similarly anchored.

5-1018 . CONSTRUCTION MATERIALS AND METHODS.

- (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) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering

or accumulating within the components during conditions of flooding.

5-1019. UTILITIES.

- (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; and
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5-1020. SUBDIVISION PROPOSALS.

- (a) All subdivision proposals shall be 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; and
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5-1021. ENCROACHMENTS. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

5-1022. SPECIFIC STANDARDS. In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 5-1006, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or SECTION 5-1013.2, Use of Other Base Flood Data, the following provisions are required:

5-1023. RESIDENTIAL CONSTRUCTION. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

5-1024. NONRESIDENTIAL CONSTRUCTION. New construction and substantial improvement of any commercial, industrial or other nonresidential 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 elevation 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 registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 5-1013.3 (2).

5-1025. MANUFACTURED HOMES.

- (a) Manufactured homes shall be anchored in accordance with Section 5-1017(2).
- (b) All manufactured homes or those to be substantially improved shall conform to the following requirements:
 - (1) Require that manufactured homes that are placed or substantially improved on a site (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damages' as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse and lateral movement.
 - (2) Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in (1) above be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement

5-1026. RECREATIONAL VEHICLES. Require that recreational vehicles either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

5-1027. OPENINGS IN ENCLOSURES BELOW THE LOWEST FLOOR. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (b) The bottom of all openings shall be no higher than one foot above grade;

- (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that
- they permit the automatic entry and exit of floodwaters.

TITLE V
HEALTH, SAFETY, AND SANITATION
Chapter 11
Keeping of Chickens

5-1401. PURPOSE. The keeping of chickens in the town supports a local, sustainable food system by providing an affordable, nutritious source of protein. The keeping of chickens also provides free, quality, nitrogen-rich fertilizer, and chemical-free pest and weed control. The keeping of chickens shall be for household purposes only and shall not be a commercial venture.

5-1402. DEFINITIONS.

CHICKEN: A chicken (*Gallus gallus domesticus*) is a domestic fowl kept for its eggs or meat.

CHICKEN RUN: A wire enclosure connected to a chicken coop for the purpose of allowing chickens to leave the chicken coop while remaining in an enclosed, predator-safe environment.

CHICKEN COOP: A structure built specifically for the sheltering of chickens.

CHICKEN TRACTOR: A mobile enclosure built specifically for the sheltering of chickens.

5-1403. NUMBER, TYPE AND LOCATION.

- A. The maximum number of chickens allowed per property lot is twelve (12).
- B. For purposes of this Ordinance only, a property lot includes the total square footage of the property owned or rented by a resident on which their apartment, house, shed(s) and/or garage is situated. Such property may consist of a single lot or multiple adjacent lots of the same or different zoning classifications.
- C. This Ordinance applies to R1-R4 zoned lots only. Lots zoned R-A, commercial, or agricultural are excluded from this Ordinance because of existing codified animal and livestock ordinances for those zone classifications.
- D. Only female chickens are allowed. Except for Cooing Hens, there are no restrictions on chicken species. Roosters are not permitted on the property.

5-1404. ENCLOSURES.

- A. Chickens shall be confined within a secure outdoor enclosed area. The enclosed area shall include a covered, ventilated, and predator-resistant chicken coop properly sized for the number of chickens.
- B. The chicken coop shall be located in a property lot's rear yard and at least ten (10) feet from any property line and dwelling. All coops, runways and surroundings shall be kept in a clean and sanitary condition so as to not attract rodents or predators, and to not create a public health nuisance.
- C. A chicken coop shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
- D. An enclosed chicken run must be provided consisting of a sturdy frame, sturdy wire fencing and is predator-safe.

E. Chicken feed shall be stored in and dispensed from rodent-proof and predator-proof containers at all times.

5-1405. PERMITS

A no-fee permit must be obtained from the Town Clerk prior to getting chickens. This permit must be renewed annually. Residents who have four (4) violations of this Ordinance or a combination of violations of this Ordinance and the Town's Health, Safety, and Sanitation ordinances within any 12-month period will be denied a permit to have chickens for a period of three (3) years.

5-1406. NOTICES AND APPEALS.

A signed complaint by two (2) or more adjacent neighbors regarding any violation of this Ordinance shall be issued a written warning by a Zoning Officer and given three (3) calendar days from date the written warning was issued to remedy the violation. Any continued or further violation of this Ordinance shall be subject to the issuance of a citation and notice to appear by a Police Officer

5-1407. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

5-1408. PENALTY.

Violation of the Ordinance can be punished by a fine of up to \$250.00. Each day of violation constitutes an additional offence.

5-1409. REMOVAL OF CHICKENS.

In addition to the penalty, any violation of the provisions of this Ordinance or shall be grounds for an order from the Court to remove the chickens and the chicken-related structures.

April 13, 2021

TITLE VI

POLICE REGULATIONS

Chapter 1

Motor Vehicle Code

6-101 Definitions

- (a) Authorized Emergency Vehicles
- (b) Bus
- (c) Business District
- (d) Chauffeur
- (e) Controlled-Access Roadway
- (f) Crosswalk
- (g) Curb
- (h) Driver
- (1) Farm Tractor
- (j) Intersection
- (k) Laned Roadway
- (1) Motorcycle
- (m) Motor-driven Cycle
- (n) Motor Vehicle
- (o) Official Traffic-Control Devices
- (p) Owner
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- (v) Railroad Sign or Signal
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- (x) Residence District
- (y) Right-of-Way
- (z) Road Tractor
- (aa) Roadway
- (bb) Safety Zone
- (cc) School Bus
- (dd) Semi-trailer
- (eye) Sidewalk
- (ff) Stop
- (gg) Stop, Stopping, or Standing
- (he) Street or Highway
- (ii) Through Street
- (J) Traffic
- (kk) Traffic-Control Signal
- (11) Vehicle

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6-103 Certain provisions of Uniform Act Regulating Traffic on Highways adopted

- 6-104 Duty of Traffic Division
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- 6-106 Following Fire Apparatus Prohibited
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- 6-204 Willful Killing of Domestic Animals
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TITLE VI

POLICE REGULATIONS

Chapter 1

Motor Vehicle Code

6-101. DEFINITIONS. Unless otherwise stated, whenever used in this chapter, the following terms shall respectively be deemed to mean:

(a) **AUTHORIZED EMERGENCY VEHICLES:** Vehicles of the Fire Department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Chief of Police of the municipality. Private ambulances, wreckers and funeral cars are emergency vehicles if they are so authorized by the Chief of Police in writing.

(b) **BUS:** Every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(c) **BUSINESS DISTRICT:** The territory contiguous to and including a street when within any six hundred feet along such street where there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the Street.

(d) **CHAUFFEUR:** Any person operating a motor vehicle for hire or as the employee of the owner thereof.

(e) **CONTROLLED-ACCESS ROADWAY:** Every street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or roadway.

(f) **CROSSWALK:** That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; any portion of a street at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(g) **CURB:** The boundary of a street.

(h) **DRIVER:** Every person who drives or is in actual physical control of a vehicle.

(i) **FARM TRACTOR:** Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(j) **INTERSECTION:** The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two streets which join one

another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict. Where a street includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided Street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways thirty feet or more apart, then every crossing of two roadways of such street shall be regarded as a separate intersection.

(k) LANED ROADWAY: A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

(l) MOTORCYCLE: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

(m) MOTOR-DRIVEN CYCLE: Every motorcycle, including every motor scooter, with a motor which produces not more than five horsepower and every bicycle with motor attached.

(n) MOTOR VEHICLE: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(o) OFFICIAL TRAFFIC-CONTROL DEVICES: All signs, signals, markings and devices not inconsistent with the provisions of this article placed or erected by the governing body or by an official with proper authority of the governing body for the purpose of regulating, warning or guiding traffic.

(p) OWNER: A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, such conditional vendee or lessee or mortgagor.

(q) PARK: When prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

(r) PEDESTRIAN: Any person afoot.

(s) POLICE OFFICER: Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(t) PRIVATE ROAD OR DRIVEWAY: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

(u) RAILROAD: A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

(v) RAILROAD SIGN OR SIGNAL: Any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or

the approach of a railroad train.

(w) **RAILROAD TRAIN:** A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

(x) **RESIDENCE DISTRICT:** The territory contiguous to and including a street not comprising a business district when the property on such street for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business.

(y) **RIGHT-OF-WAY:** The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

(z) **ROAD TRACTOR:** Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(aa) **ROADWAY:** That portion of a street improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

(bb) **SAFETY ZONE:** The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

(cc) **SCHOOL BUS:** Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of "Minimum Standards for School Buses" and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.

(dd) **SEMI-TRAILER:** Every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

(ee) **SIDEWALK:** That portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

(ff) **STOP:** When required, means complete cessation from movement.

(gg) **STOP, STOPPING OR STANDING:** When prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

(hh) **STREET OR HIGHWAY:** 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. Street and highway shall be construed to be synonymous in constructing this

chapter.

(ii) **THROUGH STREET:** Every Street or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting streets is required by law to yield the right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign or other official traffic-control devices, when such signs or devices are properly erected.

(jj) **TRAFFIC:** Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street for purposes of travel.

(kk) **TRAFFIC-CONTROL SIGNAL:** Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(ll) **VEHICLE:** All conveyances excepting a baby carriage.

6-102. **ADMINISTRATION.** There is hereby established In the Town of Cokeville, a Traffic Division to be under the control and jurisdiction of the Police Chief.

6-103. **CERTAIN PROVISIONS OF UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS ADOPTED; FILING AND AVAILABILITY OF COPIES THEREOF.**

(a) Sections 31-4-101 and 103, 31-5-103, 31-5-115, 31-5-117, 31-5-211, 31-5-216, 31-5-301, 31-5-303 through 31-5-306, 31-5-401, 31-5-402, 31-5-501, 31-5-506, 31-5-512, 31-5-702, 31-5-901, 31-5-910 through 31-5-936, 31-5-950 through 31-5-960, 31-5-970, 31-5-1101 through 31-5-1111, and 31-5-1201 through 31-5-1214, 31-7-106 (a), 31-7-116, 31-7-117 (e), 31-7-133, 31-7-134 (a), 31-7-135, and 31-18-801 through 31-18-803 of the Wyoming Statutes are hereby adopted by reference and incorporated into this Section as a part of this Section as fully as if completely set out herein. One copy of such provisions shall be kept on file in the office of the Town Clerk, where it shall be available for inspection by the public during the normal office hours of the Town Clerk.

(b) In all actions tried in the municipal court in which the establishment of a prima fade speed limit is to be proven, the testimony of a police officer as to the existence of appropriate signs posted on said street in question shall create a prima fade presumption that said signs were lawfully posted by the Town of Cokeville or its officers, and based on the determination by the Chief of Police of a safe and reasonable speed.

(c) In Section 31-5-301: (a) insert "OR STREET" after highway; (b) (ii) delete THIRTY (30) MILES PER HOUR and insert TWENTY-FIVE (25) MILES PER HOUR; delete (b)(iii), (b) (iii) (A), and (b) (iii); (c) delete "31-5-302 and"; delete (d).

(d) In Section 31-5-1101(b), delete ONE (1) YEAR and insert SIX (6) MONTHS; and delete \$5,000.00 and insert \$750.00.

(e) In Section 31-5-1110 (a), insert POLICE before the word DEPARTMENT.

(f) In Section 31-5-1110 (a), (i) and (ii), delete the word HIGHWAY and insert POLICE.

(g) In Section 31-5-1110 (c), delete the word HIGHWAY and insert POLICE.

(h) In Section 31-5-1214(a), delete EVERY JUSTICE OF PEACE OR JUDGE OF A COURT and insert THE JUSTICE OF THE MUNICIPAL COURT.

(i) In Section 31-5-1214 (a), delete EVERY JUSTICE OF PEACE OR JUDGE OF A COURT and insert THE JUSTICE OF THE MUNICIPAL COURT.

(j) In Section 31-5-1214(b), delete EVERY JUSTICE OF PEACE OF THE COURT OR CLERK OF THE COURT OF RECORD and substitute SAID JUSTICE OF THE MUNICIPAL COURT.

6-104. DUTY OF TRAFFIC DIVISION. It shall be the duty of the Traffic Division to enforce the street traffic regulations of the Town of Cokeville and all of the State of Wyoming vehicle laws applicable to street traffic, to make arrests for traffic violations and to develop ways and means of improving traffic conditions.

6-105. INVESTIGATION OF ACCIDENTS. It shall be the duty of the Traffic Division of the Town of Cokeville to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violation of law, or causing or contributing to such accidents.

6-106. FOLLOWING FIRE APPARATUS PROHIBITED. The driver of any vehicle other than those vehicles on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or drive into or park such vehicle within the block where the fire apparatus is stopped in answer to a fire alarm.

6-107. CROSSING FIRE HOSE. No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire alarm or fire without the consent of the Fire Department official in command.

6-108. VEHICLES ON SIDEWALKS. 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 a public or private driveway;
- (c) Within an intersection;
- (d) Upon any bridge or other elevated structure upon a street or within a street tunnel;
- (e) At any place where official signs prohibit stopping;
- (f) Within fifteen (15) feet of a fire hydrant.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

6-109. QUIET ZONES. The Police Chief is authorized to designate quiet zones, both temporary and permanent. Every person in charge of a vehicle or motor cars shall exercise special care to approach and proceed through quiet zones as noiselessly as possible.

6-110. DRIVING WHILE UNDER THE INFLUENCE, FIRST OFFENSE WITHIN FIVE YEARS.

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

(b) Upon the 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 that time 0.05% 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 that time in excess of 0.05% but less than 0.08% 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 fact 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 that time 0.08% 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 grams of alcohol per one hundred cubic centimeters of blood;

(5) The foregoing provisions of subsection (b) 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 incapable of safely driving a vehicle, to drive a vehicle. 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 this state shall not constitute a defense against any charge of violating this subsection.

(d) A person convicted of violating this section is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than Seven Hundred Fifty Dollars (\$750.00), or both.

(e) This ordinance of the Town of Cokeville and/or any other related ordinances, shall only apply to those individuals charged with violating this ordinance or other similar Local, State, or Federal laws of any other jurisdiction within five (5) years. If the defendant has been charged with a similar offence in any other Local, State, or Federal jurisdiction within the previous five (5) years, this ordinance shall not apply and it shall be the duty of the County and/or State to prosecute and pursue the alleged violations.

(f) Any person convicted under this section shall, in addition to the penalty imposed, have his

driver's license suspended or revoked pursuant to W.S. 31-7-127. The court shall forward to the division a copy of the record pertaining to disposition of the arrest or citation.

(g) 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 his place of employment or school.

(h) Any person charged under this section shall be prosecuted under this section 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 supporting facts, stating that there is insufficient evidence to sustain the charge.

(i) As used in this section:

- (1) "Conviction" means as defined in W.S. 31-7-102 (a) (xvi);
- (2) "Driver's License" means as defined in W.S. 31-7-102(a)(i) and includes nonresident operating privileges as defined in W.S. 31-7-102 (a) (xvi);
- (3) "Other law prohibiting driving while under the influence" means a statute of another state, the United States or a Territory or District of the United States or an ordinance of a governmental entity of this or another State which prohibits driving while under the influence of intoxicating liquor, alcohol, controlled substances or drugs.

(j) If a person is arrested, cited or issued a summons for violating this section, he shall surrender possession of his Wyoming driver's license to the arresting or issuing officer. In addition to other requirements of this section and W.S. 31-5-1204, the officer shall issue a temporary license pursuant to W.S. 31-7-139 to the person arrested or cited and shall forward the surrendered license to the Motor Vehicle Division of the Department of Revenue and Taxation.

6-111. OBSTRUCTION OF THE STREET OR ALLEYS. No person shall park or place in the streets or alleys any vehicles or other thing obstructing or tending to obstruct the free use of the streets and alleys; nor shall any owner, proprietor or occupant of any premises within the Town permit or allow the streets and alleys abutting his property to be obstructed. In case the owner of any such premises so unoccupied shall be a nonresident of the Town or absent from the Town, any resident agent who shall have charge of such premises shall comply with the requirements of this section. It shall be unlawful for any operator to stop, stand, or park any vehicle in such a manner or under such conditions as to leave available less than twenty feet of the width of the roadway for the free movement of vehicular traffic; except, that this provision shall not apply to a necessary stop in obedience to traffic regulations or traffic signs or signals of a police officer.

6-112. Repealed 2003.

6-113. CARELESS DRIVING. Every person operating a vehicle on the streets or highways of the Town of Cokeville shall drive the same in a careful and prudent manner, having regard for the width,

grade, curves, corners, traffic and use of these streets and all other attendant circumstances so as not to endanger the life, limb or property of any person.

6-114. **SPEED.** Vehicles shall not be driven at a speed greater than twenty (20) miles an hour in the Town of Cokeville unless otherwise posted. Emergency vehicles on emergency calls shall not be subject to the speed limits provided by this section. When passing a school building or the grounds thereof, or a school crossing, during school recess or while children are going to or leaving school during opening or closing hours, and providing that the presence of such school building, ground thereof, or school crossing is indicated plainly by signs or signals conforming to the provisions hereof, vehicles shall not be driven at a speed greater than twenty (20) miles per hour.

6-115. **RIGHT-OF-WAY, OPERATION ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.**

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and/or visual signals or of a police vehicle properly and lawfully making use of audible and/or visual signals, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

6-116. **RIGHT-OF-WAY, GENERALLY.**

(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(b) When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

6-117. **MOVING VEHICLES.** Vehicles shall be driven in single file, except when passing another, and drivers shall keep to the right-hand side of the street. Slow moving vehicles shall be driven as close as possible to the right-hand curb so as to permit faster-driven vehicles to pass.

6-118. **PEDESTRIAN CROSSINGS.** Pedestrians shall cross the streets at a right angle at street intersections or designated crossing places and at no other places within the congested area which is the business district. All vehicles shall stop for any person who has entered one of the lanes marked as a pedestrian lane and allow said person to safely cross or remove themselves from said lane.

6-119. **PASSING.** Vehicles traveling in opposite directions shall pass to the right. A vehicle overtaking and passing another vehicle traveling in the same direction shall pass to the left after due warning, and not pull over to the right until entirely clear of the overtaken vehicle.

6-120. **SIGNAL WHEN TURNING TO THE RIGHT.** Any vehicle making a right-hand turn shall signal to others his intention to make such turn by using a traffic signal device approved by the Wyoming State Highway Patrol, or by raising his left arm above his shoulder, the hand being extended out of the left side of the vehicle intending to make the turn.

6-121. **SIGNAL WHEN TURNING TO THE LEFT.** Any vehicle making a left-hand turn shall signal to others his intention to make such turn by using a traffic signal device approved by the Wyoming State Highway Patrol or by extending his left hand horizontally at right angles to the vehicle, the hand extending outside the vehicle on the left side.

6-122. **SIGNAL ON STOPPING.** Before decreasing speed or stopping, a driver of a vehicle shall warn those following of his intention to do so by extending the left hand outside of the left side of the vehicle and downward below the horizontal, or by using a traffic signal device that is approved by the Wyoming State Highway Patrol.

6-123. **BACKING.** Before backing, a driver of a vehicle shall give ample warning, and while backing shall give unceasing vigilance so as not to injure people or property that might be behind him.

6-124. **SAFETY DETERMINATION.** Any driver of a motor vehicle shall, before turning, stopping, backing or leaving the curb make certain such movement can be executed in safety.

6-125. **U-TURNS.** No vehicle shall make a U-turn at or near the intersection of any street in the Town of Cokeville, except that U-turns will be permitted upon Main Street intersections with other streets only. A U-turn will be permitted only when the driver of a vehicle intending to make a U-turn makes said turn from the left-hand side of the right side of the roadway and gives a proper signal before starting said turn.

6-126. **NO PARKING ZONES.** No vehicle shall be left standing at a curb within fifteen feet of any fire hydrant, or in front of any entrance or exit of any school, church, or other public building or other area when such area is designated a No Parking Zone.

6-127. **PARKING REGULATIONS.** No vehicle with an overall length of more than 21 feet or overall height of more than six feet from the ground to the topmost part shall at any time be parked, stopped or left standing on the business district of Main Street for more than two (2) hours. No vehicle shall be backed to or toward the curb or sidewalk upon either side of Main Street in the Town of Cokeville, for any purpose whatsoever, and left standing, with the exception of emergency vehicles and vehicles loading and unloading. All vehicles in any part of the Town of Cokeville must be parked at an angle parallel with the curb, and not more than eighteen (18) inches from the curb line and not closer than three feet from any other parked vehicle, in the Town of Cokeville; and on areas so marked shall be within the area designated for a single vehicle to occupy. No vehicle shall be parked in front of any driveway leading to or from any business or residence in the Town of Cokeville. All double parking within the Town of Cokeville is hereby prohibited. Parking in the business district of Main Street between the hours of 8:00 a.m. and 6:00 p.m. shall be limited to two (2) hours. No parking shall be allowed on the roadways within the Town of Cokeville between the hours of 5:00 am to 8:00 am, from November 1 through April 30 for the purpose of snow removal.

6-128. **HITCHING ON TO A MOVING VEHICLE.** No person shall hitch on to or cling upon any vehicle which is in motion, nor shall any person ride on the running board, hood, tire, rack or door of any motor vehicle. No person outside the vehicle shall take hold of any part of any vehicle while the same is in motion.

6-129. **RIDING BICYCLE UPON SIDEWALK.** No person shall ride a bicycle upon any sidewalk

nor shall any person ride or drive or cause to be ridden or driven any animal, nor ride, drive or propel or cause to be ridden, driven or propelled any vehicle on or along any public sidewalk or permit any such animal or vehicle to stand thereon. Bicycles may be parked upon the sidewalk parallel to and against buildings, but not so as to obstruct the exit or entrance to the said building. The owner or employees of any service station or garage shall not give service to any vehicle while the same is parked upon any sidewalk.

6-130. LITTER. No person shall throw, place or deposit in or upon any public street, alley, or roadway any nails, tacks, glass, crockery, scrap iron or tin, wire, bottles, thorns, clippings, dirt, sand, gravel, or any other article or thing of any nature whatsoever.

6-131. PARADES AND ASSEMBLAGES. The streets of the Town of Cokeville shall not be used for any parade or assemblage without a permit from the Mayor. It shall be the duty of the Police Chief to direct the parade or assemblage in order that the regular flow of traffic through the Town of Cokeville shall not be unduly hampered.

6-132. MINIMUM AGE OF OPERATOR. It shall be unlawful for any person under fifteen (15) years of age to operate a motor vehicle, and any owner, dealer or manufacturer who permits a person under fifteen years of age to operate a motor vehicle shall be deemed guilty of a misdemeanor and shall be punished as hereinafter provided for violation of the provisions of this Chapter.

6-133. STANDING OR PARKING CLOSE TO CURB. Except, when necessary, in obedience to traffic regulations or traffic signs or signals, the operator of a vehicle shall not stop, stand or park such vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within one foot of the edge of the roadway and within the area designated by the markings on the roadway, except as provided in the following subsections:

(a) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs.

(b) The Chief of Police is hereby authorized to issue to any owner of a vehicle used to transport merchandise or materials, a special permit, renewable annually, and stating therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of loading or unloading while the vehicle is backed against the curb, if in the opinion of the Town Council such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic. In places where and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take or discharge loads when the owner of such vehicle holds a permit granting him such special privilege. Such permit shall be either in the possession of the operator or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or operator to violate any of the special terms or conditions of any such special permit.

(c) On a street where there is a perceptible grade, a vehicle, when stopped or left unattended, shall have a front wheel or a rear wheel turned at an angle against a curb.

6-134. FUNERAL PROCESSIONS. No vehicle shall be driven through a funeral procession except a Police, Fire Department or ambulance vehicle.

6-135. OFFENSES AGAINST VEHICLES. It shall be unlawful for any person who is not the owner of the said vehicle to tamper, meddle, or interfere with any vehicle or to start or attempt to start it while the same is standing or to puncture or otherwise deface the body or the apparatus thereof, or to take or remove from said vehicle any part or portion of the machinery or gasoline, or to throw, cast or hurl any stone, snowball, glass or other missile at any vehicle or the occupant thereof. It shall be unlawful for any person to remove or to tamper, meddle or interfere with any traffic sign or painted, drawn or established line constructed or obtained under the provisions of this Chapter.

6-136. OBEDIENCE TO POLICE. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

6-137. STOP AND YIELD INTERSECTIONS. When local authorities have designated through streets, through highways and have erected stop signs or yield signs at specified entrances thereto or have designated an intersection as a stop intersection or as a yield intersection and have erected like signs at one or more entrances to such intersection, except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the Intersection; the driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

6-138. PASSING A SCHOOL BUS. The driver of a vehicle within the Town Limits of Cokeville upon meeting or overtaking from either direction any school bus which has stopped for the purpose or receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in W.S. 31-5-934, Wyoming Statutes, and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

6-139. BACKING POSITION PROHIBITED. No vehicle shall be driven in a backward direction to make a turn on any street. No vehicle shall be driven in a backward direction further than is necessary to avoid accident or to put itself in such position as to enable it properly to proceed on its way or to park properly.

6-140. MUFFLER REQUIREMENTS. Every motor vehicle operated within the limits of the Town of Cokeville shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive and unusual noise and annoying smoke, and no person shall use a muffler cut out, bypass or similar device upon any motor vehicle driven within the Town of Cokeville.

6-141. USE OF OVER-SNOW VEHICLES WITHIN TOWN LIMITS.

- (a) Definitions. An over-snow vehicle is hereby defined as a mechanically driven vehicle in, upon or by which any person or property is or may be transported or drawn upon a roadway as defined in W.S. 31-5-102, the motive force of which is applied through a revolving track, guided by skis or differential track operation. No over-snow vehicles shall be operated within the incorporated limits of the Town of Cokeville except upon compliance

with this Section.

(b) Prohibited Vehicles. No over-snow vehicles shall be operated within the incorporated limits of the Town of Cokeville which are propeller driven; or having tracks capable of damaging road surfaces.

(c) Permitted operations. Over-snow vehicles shall be operated over such designated roadways when the same shall be snow covered or snow packed only, and such vehicles shall not be permitted to operate on the sidewalks.

(d) Registration required. No over-snow vehicle shall be operated without a proper and valid registration from the State of Wyoming, issued in accordance with Wyoming State Law. It is not the intent of this Section to in any way limit the State of Wyoming's control of over-snow vehicles while operated within the Town of Cokeville.

(e) Towing. No over-snow vehicle shall pull any skier, sled, or other combination vehicle by rope or flexible coupling; all sleighs or cutters shall be safely and securely affixed to the over-snow vehicle, by direct coupling, solid tongue, or triangular shaped tow-bar not to exceed 40 inches in length, being securely affixed to two points on the sleigh or cutter, with one flexible joint at the center of the over-snow vehicle.

(f) Safety equipment. It shall be a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any roadway any over-snow vehicle or combination of vehicles which is in such unsafe condition as to endanger any persons or property, or which is not at all times equipped with such equipment in proper condition and adjustment as required by this Section or which is equipped in any manner in violation hereof.

(g) Brakes. Every over-snow vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle.

(h) Hours of permitted operation. No over-snow vehicle shall be operated within the Town of Cokeville between the hours of 6:00 p.m. and 9:00 a.m.

(i) Speed Limit. No person shall operate any over-snow vehicle within the incorporated limits of the Town of Cokeville at a speed in excess of 15 miles per hour.

(j) Rules of the Road. Every operator of an over- snow vehicle shall observe all the rules of the road pertaining to vehicles, and, in addition shall yield the right-of-way to motor vehicles. All ordinances or laws of the State of Wyoming pertaining to the operation of vehicles, to the extent that the same are not in conflict herewith, shall be applicable to the operation of over-snow vehicles and are adopted by reference and made a part hereof, the same as if set forth fully herein. In addition, all over-snow vehicles shall come to a complete stop at each and every street intersection or when coming out of an alley or off of private property upon or to cross a street, before proceeding.

6-142. OBSTRUCTION OF THE RAILROAD CROSSING.

(a) It shall be unlawful to block the railroad crossing in the Town of Cokeville with the

crossing arms, or any type of train, or any other vehicle, for more than 15 minutes.

- (b) In case of any type of emergency, the train crews will be required to break the train as soon as possible, and to maintain a clear crossing till the emergency no longer exists.
- (c) The penalty for this shall be the same as all others in the Town of Cokeville. Maximum fine of \$750.00 or 6 months in jail or both.

6-143. **PARKING VIOLATIONS.** Any vehicle found parking contrary to the appropriately placed signs stating no parking as placed by the Town of Cokeville, within the Town of Cokeville in compliance with W.S. 31-5-501(a), as amended, shall be a violation of this ordinance.

6-144. **HANDICAPPED PARKING.** It is unlawful for any vehicle to willfully park in a position or place violating the restrictions stated by the signs marked for use by the handicapped as specified in W.S. 31-5-111(b), as amended, and in accordance with W.S. 31-5-501(a)(b)(c), as amended.

6-145. **VIOLATION AND PENALTY.** Any person who violates any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

TITLE VI

POLICE REGULATIONS

Chapter 2

Offenses Against Public Peace and Policy

6-201. SIMPLE ASSAULT and BATTERY.

- (a) A person is guilty of simple assault if, having 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.

6-202. CRIMINAL TRESPASS. No person shall enter onto or into the land or premises of another person or business, knowing he is not authorized to do so, or after being notified to depart or to not trespass. Notice is given by:

- (a) Personal communication to the person by the owner or occupant, or his agent, or by a peace officer, or by posting of signs reasonably likely to come to the attention of intruders.

6-203. DISTURBING RELIGIOUS WORSHIP. No person in the Town of Cokeville shall disquiet or disturb any congregation or assembly for religious worship by making a noise or by rude or indecent behavior, or profane discourse within a place of worship or so near the same as to disturb the order or solemnity of the meeting.

6-204. WILFUL KILLING OF DOMESTIC ANIMALS. No person in the Town of Cokeville shall willfully kill, maim or disfigure any horse, dog or other domestic animal, or administer poison to any such animal, or expose any poisonous substance with the intent that it be taken by such animal.

6-205. Repealed.

6-206. DESTROYING LAWFULLY POSTED BILLS. No person in the Town of Cokeville shall without authority tear down or deface any ordinance, bill, notice, advertisement, or any other papers of a business or legitimate nature lawfully posted.

6-207. INHUMAN TREATMENT OF ANIMALS. No person in the Town of Cokeville shall inhumanly, unnecessarily or cruelly override, beat, injure or otherwise abuse any dumb animal.

6-208. LARCENY. Definitions.

- (a) As used in this section:
 - (1) "Bailee" means a person other than the owner of property who rightfully possesses property;
 - (2) "Deprive" means:
 - (a) To withhold property of another permanently or for so extended a period as to appropriate a major portion of its economic value

or with intent to restore only upon payment of reward or other compensation; or

- (b) To dispose of the property so as to make it unlikely that the owner will recover it.

(b) A person who steals, takes and carries, leads or drives away property of another with intent to deprive the owner or lawful possessor is guilty of larceny.

(c) A bailee or any person entrusted with the control, care or custody of any money or other property who, with intent to steal or to deprive the owner of the property, converts the property to his own or another's use is guilty of larceny.

6-209. **CAMPING IN TOWN PARK.** No person in the Town of Cokeville shall camp or stay in the Town park longer than two (2) overnight camping stays during any two (2) week period.

6-210. **EXCESSIVE NOISE.** It is unlawful for any person within the Town limits to use, operate, or permit the use or operation of any power equipment, radio receiver, musical instrument, television, phonograph, drum, amplifier, cassette player, compact disk player, or other machine or device for the reproduction of sound, if:

- (a) After the hours of eight o'clock p.m. until eight o'clock a.m. to the annoyance of others and/or is clearly audible at a property boundary or perimeter from the source, or
- (b) On public property or on public right of way at any time so as to be plainly audible or felt (such as large woofers and sub woofers/bass) at fifty feet or more from the device.
- (c) Permission to exceed these limits may be issued by the Town or it's Police Department for special events, such as organized block parties, rodeos, or other similar events.

6-211. **EMERGENCY SERVICES (911) ABUSE.** Whereas the Town of Cokeville has experienced repeated calls from its citizens for emergency services by dialing 911 when no such real emergency exists; further, responding to such reported emergencies requires the use of personnel and resources so that they are not available in the event of a real emergency. Therefore, it is the intention of this section to reduce such abuse of emergency services provided by the Town so as to keep personnel and equipment available for use in real emergency situations, conserving resources and costs.

Thereby it shall be deemed unlawful if:

- (a) Any person who requests emergency response by but not limited to: Fire, Medical, or Police, unnecessarily, falsely, capriciously, or for non-emergency situations may be guilty of this section under 911 abuse.
- (b) Enforcement of this ordinance shall be met on a case-by-case basis, and shall be enforced by the responding party(s) to the reported emergency call.

6-212. **DISTURBING THE PEACE.** A person is deemed guilty of a misdemeanor if he/she willfully:

- (a) Commits an act in a violent and tumultuous manner toward another whereby the

property of any person is placed in danger of being destroyed or damaged.

- (b) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the safety and wellbeing of any person or property.
- (c) Incites, attempts to incite, or is involved in attempting to incite a riot. For the purpose of this section the term “riot” shall mean a tumultuous disturbance of the peace by persons assembled and acting either in executing a lawful enterprise in a violent or turbulent manner or in executing an unlawful enterprise in a violent manner.
- (d) Obstructs either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the police or other lawful authority known to be such.
- (e) Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
- (f) Fails to obey a lawful order to disperse by police officer, when known to be such an official, where one or more persons are committing acts of disturbing the peace in the immediate vicinity, and the public health and safety is imminently threatened.
- (g) Be the owner of, or have possession of, a dog which barks excessively and disturbs peace and tranquility. No summons and complaint shall be issued for any violation of this sub-section unless there are at least two (2) or more complaining witnesses from separate households, within the immediate area, who have signed such complaint.
- (h) Commits an act in a violent and tumultuous manner toward another whereby that other
feels he or she is placed in danger of life, limb, or health.
- (i) Uses abusive, profane or obscene language in any public place.
- (j) Interferes with another’s pursuit of a lawful occupation by acts of violence.

6-213. PENALTIES. Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

TITLE VI

POLICE REGULATIONS

Chapter 3

Offenses Against Public Safety

6-301. **CARRYING CONCEALED WEAPONS.** No person not being a law enforcement officer or in possession of a duly authorized permit issued by Lincoln County, Wyoming, the State of Wyoming, or the United States of America, and complies with the requirements of Wyoming Statute W.S. 6-8-104 (a) (i), (ii),(iii) and (t), shall wear in the Town of Cokeville under his clothes or conceal about his person or display in a threatening manner any dangerous or deadly weapon, including but not limited to; firearms; knuckles of lead, brass or other metal; or any knife with a switchblade or device whereby the blade or blades can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance. The term “law enforcement officer” shall include any federal, state, county, city, town or municipal official vested with the authority or duty to enforce any criminal law or to make arrests for crime, whether that duty extends to all crimes or is limited to specific crimes.

Nothing in this section shall prohibit a legal resident of the State of Wyoming, as defined in W.S. 6-8-104 (b)(i), from carrying a concealed firearm pursuant to W.S. 6-8-104 (iv) within the legal limits of the Town of Cokeville, except as referenced above. Prohibitions of carrying any concealed weapon within the Town of Cokeville apply as per W.S. 6-8-104 (t).

6-302. **SALES TO INTOXICATED PERSONS.** No person in the Town of Cokeville shall purchase from or sell, loan, or furnish any weapon in which explosive substance can be used, to any person under the influence of alcohol or any narcotic drugs, stimulant or depressant, or to any person in a condition of agitation or excitability.

6-303. **SALES TO MINORS.** No person in the Town of Cokeville shall purchase from or sell, or loan, or furnish any weapon in which an explosive substance can be used, to any person under the age of 14 years.

6-304. **THROWING MISSILES.** No person in the Town of Cokeville shall throw any stone, snowball or other missile upon or at any vehicle, building, tree or other public or private property, or upon or at any person.

6-305. **USE OF FIREWORKS PROHIBITED.** No person in the Town of Cokeville shall case, throw, ignite, discharge, or fire any combustible firecrackers or fireworks of any kind, except from June 1 to July 31 of each year, and then only between the hours of 12:00 pm (noon) and 11:00 pm.

6-306. **SALE AND DISPLAY OF FIREWORKS.** Fireworks may be sold year-round within the Town of Cokeville, provided the merchants that sell such fireworks shall be responsible to notify their clientele of any fire restrictions that may affect the use of said fireworks within the boundaries of the Town. The Town Council may also rescind their permission to sell fireworks if they deem a situation has arisen that further sale of fireworks is not in the best interest of the Town or that public safety requires the suspension of the sale of fireworks for any period of time deemed appropriate by the Council.

6-307. **EXCEPTION TO FIREWORKS PROHIBITION.** The prohibition contained in Section 6-306 shall not apply so as to prevent any public demonstration or display of fireworks if conducted under the supervision of the Town of Cokeville and if a proper application has been made for and a permit issued for such a demonstration.

6-308. **DISCHARGING FIREARMS.** No person in the Town of Cokeville shall discharge firearms except a civil officer acting in his official capacity, or except in a shooting gallery or range approved by the Town Council.

6-309. **FALSE ALARM OR REPORT.** No person in the Town of Cokeville shall intentionally make, turn in or give a false alarm of fire or of need for police or ambulance assistance or aid or abet in the commission of such an act, nor shall any person make to or file with the Police Chief or Town Attorney any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the Town of Cokeville.

6-310. **INTERFERENCE WITH TOWN OFFICIALS.** No person in the Town of Cokeville shall resist the Police Chief or other Town officials in the discharge of their duties, or shall in any way interfere or hinder or prevent him or them from discharging his or their duties as such official or officials.

6-311. **ASSISTING IN ESCAPE.** No person in the Town of Cokeville shall offer or endeavor to assist any person in the custody of the police officer to escape or attempt to escape from such custody, nor shall any person make available to, present to, or place within the reach of any person confined under authority of this Town any intoxicating or malt liquors or any tool, implements, or other thing calculated to aid in the escape of such person so confined, or any other person confined under the authority of this Town.

6-312. **LABELING POISONOUS DRUGS.** All persons who prepare or put-up drugs or medicines are hereby required to label them in a plain and legible manner in the English language, and all drugs of a poisonous nature shall be labeled "POISON".

6-313. **PUBLIC INTOXICATION PROHIBITED.**

(a) It shall be unlawful for any person to be drunk or in a state of intoxication that may endanger themselves or others on any highway, street, thoroughfare or other public place within the Town of Cokeville.

(b) Any person violating the provisions of Section 6-314(a) of the Revised Code of the Town of Cokeville, Wyoming, shall, upon conviction thereof, be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

6-314. **POSSESSION OF DRUG PARAPHERNALIA.** It shall be unlawful for any person to possess within the Town limits of the Town of Cokeville drug paraphernalia as defined herein. The term "drug paraphernalia" as used in this section means all equipment, products and materials of any kind which are used, intended for use or designated for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance as defined by the Wyoming

Controlled Substances Act of 1971 (Wyoming Statutes 1977, Sections 35-7-1001 to 35-7-1055, as amended), hereinafter referred to as the “act”. Such act by this reference is hereby incorporated herein as if fully set forth. “Drug paraphernalia” includes, but is not limited to:

- (a) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
- (b) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
- (c) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
- (d) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
- (e) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- (f) Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
- (g) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding-controlled substances. Drug paraphernalia is subject to seizure and forfeiture.

6-315. FALSE INFORMATION TO POLICE. It shall be unlawful for any person to give false information to any law enforcement officer. This includes but is not limited to providing fictitious name, changing the spelling of names, date of birth, driver’s license numbers, and the like with the intention of hiding or falsifying one’s identity to avoid detection or prosecution.

6-316. CRIMINAL MISCHIEF. It shall be unlawful for a person to commit criminal mischief. A person commits criminal mischief if:

- (a) Under circumstances not amounting to arson he or she intentionally and unlawfully tampers, destroys, or damages the property of another and thereby:
 - (1) Recklessly endangers human life, health or safety; or
 - (2) Recklessly causes or threatens a substantial impairment of any public utility service, or any service providers ability to respond whether public, private or a volunteer entity whose purpose is to respond to any type of community problem or emergency; or
 - (3) Recklessly causes public alarm.
- (b) He or she recklessly or willfully shoots or propels a missile or other object at or against

a person, building, animal, motor vehicle, bus, train, railway car, or any other moving or standing vehicle.

6-317. INJURING OR DESTRUCTION OF PROPERTY PROHIBITED (VANDALISM). It is unlawful for any person to:

- (a) Injure, deface, or destroy property of another, either public or private; or
- (b) Secrete any goods, chattels, or personal property of another; or
- (c) Prepare any dead fall, or to dig any pit, or to arrange any trap to injure another's person or property; or
- (d) Take down, injure, or remove any monument, street sign, tag, or any type of marker as a boundary of any tract of land, city lot, or other marking to injure, destroy, deface or alter said marks; or
- (e) Deface, injure or destroy any fence, tree or to deface, injure or destroy any kind of public or private property.

6-318. POLICE SERVICE ANIMALS - CAUSING INJURY OR INTERFERING WITH HANDLER; PENALTIES

- (a) As used in this section:
 - (1) "Handler" means a law enforcement officer who is specifically trained, and uses a police service animal during the course of the performance of his law enforcement duties.
 - (2) "Police service animal" means any dog or horse used by law enforcement agency, which is specifically trained for law enforcement work, or any animal contracted to assist a law enforcement agency in the performance of law enforcement duties.
- (b) It is unlawful for a person to intentionally:
 - (1) Cause bodily injury or death to a police service animal; or
 - (2) Engages in such conduct likely to cause bodily injury or death to a police service animal; or
 - (3) Lay out, place, or administer any poison, trap, substance, or other object which is likely to produce bodily injury or death to a police service animal; or
 - (4) Offer or agree with one or more persons to engage in or cause the performance of an act which constitutes a violation of this statute.
- (c) It is unlawful for a person to intentionally or knowingly:
 - (1) Taunt, torment, strike, or otherwise assault a police service animal; or
 - (2) Throw any object or substance at, or in the path of a police service animal; or
 - (3) Interfere with or obstruct a police service animal, or attempt to, or interfere with the handler of the animal in such a manner as to inhibit, restrict, or deprive the handler of his control of the animal; or
 - (4) Release a police service animal from its area of control, such as a vehicle,

- kennel, or pen, or trespass that area; or
- (5) Place any food, object, or substance into a police service animal's area of control without the permission of the handler.

(d) In addition to any other penalty, a person convicted of a violation of this section is liable to the owning or employing law enforcement agency or individual owner of the police service animal for the replacement, training, and veterinary costs incurred as a result of the violation of this section.

6-319. OBSTRUCTION OF JUSTICE. It is unlawful for any person within the Town limits with intent to hinder, prevent or delay the discovery, apprehension, prosecution, conviction or punishment of another for the commission of a crime, if he/she:

- (a) Conceals an offense knowing it has been committed, or
- (b) Harbors or conceals an offender, or
- (c) Provides an offender with a weapon, transportation, disguise or other means for avoiding discovery or apprehension, or
- (d) Warns an offender of impending discovery or apprehension, or
- (e) Conceals, destroys or alters any physical evidence that might aid in the discovery, apprehension, or conviction of such person, or
- (f) Obstructs by force, intimidation, distraction or deception, anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person.

6-320. PENALTIES. Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

TITLE VI

POLICE REGULATIONS

Chapter 4

Offenses Involving Morals

6-401. PROSTITUTION.

(a) No person shall keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, or with knowledge or reasonable cause to know that the same is or is to be used for such purpose, or receive or offer to agree to receive any person in any place, structure, building or conveyance for the purpose of prostitution or permit any person to remain therein for such purpose.

(b) No person shall direct, take, transport or offer or agree to take or transport, any person to any place, structure or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution.

(c) No person shall reside in, enter or remain in any place, structure or building, or enter or remain in any conveyance for the purpose of prostitution.

(d) No person shall engage in or solicit prostitution or aid or abet prostitution, by solicitation or by any means whatsoever.

6-402. DISORDERLY CONDUCT. It is unlawful for any person within the Town limits, while in a public place open to public view, to willfully:

(a) Urinate, or otherwise defecate.

(b) Engage in a sexual act, alone or with another person or animal.

(c) Make an intentional exposure of his/her genitals, pubic area, buttocks, or any portion of the areola and or nipple of the female breast.

(d) Harass, or continue unwanted sexual advances or gestures to another who has made it clear that such behavior is unwanted.

6-403. NUDITY IN PUBLIC. It shall be unlawful for any person to appear in a state of nudity in any public place. For the purposes of this section “nudity” shall mean the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part below a point immediately above the top of the areola.

6-404. WINDOW PEEPING. No persons shall look, peer or peep into any window not his own with the intent of watching or looking through said window in the Town of Cokeville.

6-405. GAMBLING, PROHIBITED. No person shall play, deal, carry on or conduct any game whatsoever or any plan, scheme or device for money, checks, credits, goods, chattels or anything of value by means of cards, dice, wheels, slot machines, pin-ball machines, vending devices, tops, punchboards, lotteries, raffles or any contrivance, means, device or machine of any denomination or

name whatsoever within the Town of Cokeville. Exceptions to this include bingo games for non-profit organizations, as approved by the Town Council, and raffles for the benefit of non-profit organizations or to benefit an individual with extreme hardships, such as the payment of large medical bills etcetera, as approved by the Town Council.

6-406. GAMBLING, ALLOWING ON PREMISES. No person shall knowingly permit Section 6-405 to be violated in or upon the premises owned, managed, or controlled by him.

6-407. GAMBLING, CONFISCATION OF DEVICES. It shall be the duty of the Chief of Police to seize any game, device, cards, tools and implements or other articles or things designed for the purpose of gambling, employed or used by or in the possession of parties arrested for gambling, and, upon conviction of the parties so arrested and upon order of the judge, to confiscate and destroy the same.

6-408. SEVERABILITY. If for any reason, any part, section, sentence, clause or phrase of this ordinance of the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

6-409. PENALTIES. Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

TITLE VI

POLICE REGULATIONS

Chapter 5

Offenses Involving Minors

6-501. PRESENCE OF MINORS IN TAVERNS. No person who is the proprietor or keeper of a tavern shall employ or permit any minor under the age of twenty-one (21) years to frequent or be in or about such place, or to drink any intoxicating liquor or beer or any other fermented malt beverage, or engage or participate in any game of billiards or any game, bet, or wager with any cards or other gambling device in or about such place. It shall be unlawful for any minor to be in any tavern or saloon for such reason.

6-502. DUTY TO POST SIGN. It shall be the duty of any person who is the proprietor or keeper of a tavern to post conspicuously, in his place of business the following sign. "MINORS UNDER THE AGE OF TWENTY-ONE (21) YEARS NOT ALLOWED HERE."

6-503. PURCHASE FOR MINOR. No person in the Town of Cokeville shall procure for any minor any article which the minor is forbidden by law to purchase.

6-504. POSSESSION OF OR UNDER THE INFLUENCE OF INTOXICATING BEVERAGES. Any person under the age of twenty-one (21) years who has any alcoholic or malt beverages in his possession, or who is drunk or under the influence of intoxicating liquor on any street of highway or in any public place is guilty of a misdemeanor.

6-505. CONTRIBUTING TO THE DELINQUENCY OF A MINOR. It shall be unlawful for any person to cause or encourage any person under the age of eighteen (18) years to violate any law of the United States, the State of Wyoming, or the Town of Cokeville, or to knowingly commit any immoral, indecent or obscene act in the presence of such person, or to cause any child to be guilty of any vicious or immoral conduct.

6-506. SALE AND USEAGE OF TOBACCO PRODUCTS.

(a) Definitions. As used in this Ordinance:

- (1) "Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco;
- (2) "Vending machines" means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

(b) Prohibited Sales or Delivery.

- (1) No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.

- (2) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than One Hundred Fifty Dollars (\$150.00).
- (3) It is an affirmative response to a prosecution under subsection (a) of this section:
 - (i) In the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being over eighteen (18) years of age; or
 - (ii) The tobacco product was given or delivered to the person under eighteen (18) years of age by his parent or guardian and the tobacco product was given or delivered to the person for use in the privacy of his parent's or guardian's home or under the direct supervision of the parent or guardian.

(c) Posted Notice Required: Location of Vending Machines.

- (1) Any person who sells tobacco products shall post signs informing the public of the age restrictions provided by this article at or near every display of tobacco product and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to persons under eighteen (18) years of age is prohibited by law.
- (2) No person shall sell or offer tobacco products through a vending machine unless the vending machine is located in:
 - (i) Businesses, factories, offices or other places not open to the general public;
 - (ii) Places to which persons under the age of eighteen (18) years of age are not permitted access; or
 - (iii) Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under eighteen (18) years of age is prohibited.
- (3) Any person violating subsection (1) or (2) of this section is guilty of a misdemeanor punishable by a fine or not more than One Hundred Fifty Dollars (\$150.00). Each day of continued violation shall be deemed a separate offense.

(d) Purchase by Minors Prohibited.

- (1) No person under the age of eighteen (18) years shall purchase tobacco products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing tobacco products.
- (2) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine of not more than One Hundred Fifty Dollars (\$150.00).

(e) Possession or Use by Minors Prohibited.

- (1) It is unlawful for any person under the age of eighteen (18) years to possess or use any tobacco products.
- (2) Any person violating subsection (a) of this section is guilty of a misdemeanor

- punishable by a fine of not more than One Hundred Fifty Dollars (\$150.00).
- (3) It is an affirmative defense to a prosecution under subsection (a) of this section that the defendant possessed or used the tobacco product in the home of, or under the direct supervision of, his parent or guardian.

6-507. ENCOURAGING TRUANCY OF A MINOR. It shall be unlawful for any person to entice or encourage any child of school age to improperly absent himself from attendance at the public schools within the Town of Cokeville.

6-508. LOITERING NEAR SCHOOL GROUNDS. It shall be unlawful for any person in the Town of Cokeville to loiter on or near the public-school grounds, or to sit in a parked vehicle, or to drive a vehicle near said grounds unnecessarily without any visible or lawful business and without being able to satisfactorily account for himself.

6-509. LOITERING. No person shall loiter in a public place in such manner as to:

- (a) Create or cause to be created a danger of a breach of the peace;
- (b) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (c) Obstruct the free passage of pedestrians or vehicle;
- (d) Obstruct, molest, or interfere with any person lawfully in any public place;
- (e) Obstruct, molest, or interfere with the operation of any lawful business in the Town of Cokeville.

“Loitering” as used in this section shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, or walking about aimlessly, and shall also include the colloquial expression “hanging around.” “Public place” as used in this section shall include any place of business which is open to the public.

This section shall include the making of unsolicited remarks of an offensive, disgusting, or insulting nature or which are calculated to annoy or disturb the person to or in whose hearing, they are made, or which cause persons to avoid patronizing a place of business.

Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated above, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

6-510. MINORS LOITERING ON STREETS.

(a) No person 17 years or under shall be or remain in or upon any of the streets or alleys or public places in the Town of Cokeville at night after the hour of ten o’clock p.m. Sunday through Thursday, and 12 o’clock midnight Friday and Saturday, unless such person is accompanied by a parent, guardian, or other person having the legal custody of such minor, or is in the performance of

an errand or duty directed by his parent, guardian or other person having the care, custody, and control of the said minor person, or who is traveling to or from any school activity, or whose employment makes it necessary to be upon the streets. Provided, however, the above excuses shall not apply when the minor plays or unnecessarily loiters in or upon any street, alley, or public place.

(b) During summer months only, from June 1 to August 31 of each year, the curfew time specified in Section 6-510(a) above shall be after the hour of 11 o'clock p.m. Sunday through Thursday and 12 o'clock midnight on Friday and Saturday. All other provisions of Section 6-510 shall continue to apply.

(c) It is unlawful for any parent, guardian or other person having custody of any minor child under the age of 17 years to knowingly or through lack of diligence permit such child to be in violation of Section 6-510 above.

6-511. **CONDONATION BY PARENT OR GUARDIAN.** It shall be unlawful for any parent, guardian or other person having the legal care, custody and control of any minor person under the age of 16 years or other minor in attendance at any public school within the County of Lincoln, to allow, countenance, and encourage such minor child to go on or be in or upon any of the streets, alleys, or public places in the Town of Cokeville within the time prohibited by Section 6-510 of this Chapter, unless there exists a reasonable necessity therefore.

6-512 **FALSE STATEMENTS.** It shall be unlawful for any minor in the Town Cokeville under the age of twenty-one (21) years to make false statements or to furnish, present or exhibit any fictitious or false registration card, identification card. Or note or other document, or to furnish, present or exhibit such document or documents issued to a person other than the one presenting the same for the purpose of gaining admissions to prohibited places or for the purpose of procuring the sale, gift, or delivery of prohibited articles, including intoxicating liquors, but not limited thereto.

6-513. **ABANDONED ICE BOXES.** It shall be unlawful for any person, firm, or corporation to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator, or container.

6-514. **PURCHASE BY JUNK DEALERS FROM MINORS.** It shall be unlawful for any junk dealer, junk peddler, junk picker, junk purchaser or secondhand dealer within the limits of the Town of Cokeville or within three miles there from, to purchase or receive junk or any other article from any minor, except under the following conditions: At the time of said purchase or receiving of such junk or other articles, a purchase ticket shall be made out setting forth:

- (a) The date,
- (b) The name and address of the minor,
- (c) The description of the junk or articles purchased or received,
- (d) The amount paid, and
- (e) The signature of the minor selling the junk and counter-signed by the parent or guardian of the minor. The said purchase tickets shall be available for inspection by the Police Chief or other Town officials.

6-515. TRUANCY OF A MINOR. It is unlawful for any minor student attending school within the Town of Cokeville to be improperly absent from attendance at public school.

6-516. PENALTIES. Any person who violates any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

TITLE VI

POLICE REGULATIONS

Chapter 6

Nuisances

6-601. DEFINITION. For the purposes of this ordinance, the term “nuisance” is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

- (a) Lumber, junk, trash, or debris;
- (b) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.
- (c) It shall be unlawful to keep or maintain any liquid or substance that has become fouled, putrid, or nauseous upon any property within the Town of Cokeville or to cause any such liquid or substance to flow from or out of any premise into or upon any adjacent premises or any public street, alley, road or sidewalk, or into any channel or watercourse.

6-602. UNLAWFUL TO MAINTAIN A NUISANCE. No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other property in the neighborhood in which such premises are located.

6-603. EXTERIOR STORAGE OF NON-OPERATING VEHICLES OR VEHICLES WITHOUT CURRENT LICENSE PLATES AND REGISTRATION PROHIBITED. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially-dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle, or any motor vehicle that should be legally licensed in the State of Wyoming, to remain on such property longer than ten days; and no person shall leave any such vehicle on any property within the town for a longer time than ten days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This ordinance shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town or any other public agency or entity.

6-604. ABATEMENT OF NUISANCE. The owner, owners, tenants, lessees or occupants of any lot within the corporate limits of this town upon which a nuisance is maintained, and also the owner, owners, and/or lessees of any personality deemed to be a nuisance under the provisions of this ordinance (all of whom are hereinafter referred to collectively as “owners”) shall jointly and severally abate said nuisance by the prompt removal of said personality into completely-enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the town, or otherwise

to remove it to a location without said corporate limits.

6-605. ABATEMENT BY TOWN. Whenever said owners fail to abate said nuisance then the town shall remove the said personality to a location of its selection, the expenses therefore to be billed to said owners, jointly and severally, said bill to be recoverable in a suit at law. When said personality has been removed and placed in storage by the town, as provided for herein, said personality shall be sold by the town after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement, said owners shall be liable to the town for the balance of the costs, jointly and severally, to be recoverable in a suit at law. If the proceeds are in excess of costs, the balance shall be paid to said owners, or deposited in the town treasury for their use.

6-606. ENFORCEMENT. Enforcement of this ordinance may be accomplished by the town in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this ordinance, suffers special damage to himself different from that suffered by other property owners throughout the town generally, may bring an action to enjoin or otherwise abate an existing violation.

6-607. PENALTY. Every person found guilty of violating any provisions of this ordinance shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

TITLE VI
POLICE REGULATIONS
Chapter 7
Brand Inspection of Animals

6-701. DEFINITIONS.

(a) As used in this act:

(i) "Animal" means every living dumb creature;

(ii) "Owner" or "person" means any individual including the agents and employees of corporations;

(iii) "Torture," "torment" or "cruelty" means every act, omission or neglect whereby the willful and malicious infliction of pain or suffering is caused, permitted or allowed to continue when there is a reasonable remedy or relief;

(iv) "This act" means 6-701 through 6-736.

6-702. RECORDED BRAND; CERTIFIED COPY DEEMED PRIMA FACIE EVIDENCE OF OWNERSHIP.

A certified copy of any brand recorded in the office of the Wyoming brand inspection board is prima facie evidence of ownership of animals branded therewith for that species of livestock recorded by the board. The brand shall be received as evidence of ownership in all legal proceedings involving title to the animal.

6-703. INSPECTION OF BRANDS AT TIME OF DELIVERY OR REMOVAL FROM COUNTY; CERTIFICATE REQUIRED; LACK THEREOF.

(a) Except as hereafter provided or except as provided in W.S. 11-20-224, it is unlawful for any person, firm, partnership, corporation, or association to sell, change ownership or to remove or cause to be removed in any way from any county in Wyoming to any other county, state or country, any livestock unless each animal has been inspected for brands and ownership at the time of delivery or removal by an authorized Wyoming brand inspector and a proper certificate of inspection or clearance has been issued.

(b) Transporting livestock across state lines without first having had such inspection and having obtained such certificates is prima facie evidence of intent to avoid inspection and to steal, take and carry away the animals and is punishable as provided in section 1-108.

6-704. PROCEDURES GENERALLY; ESTRAYS.

(a) Except as otherwise provided, before removing any livestock from any county of Wyoming, the person selling or intending to cause removal shall notify the band inspector of the date of the intended removal and the time and place when and where the required inspection for brands and ownership can be made. The inspection shall be made within a reasonable time prior to shipment. The person in charge of the livestock shall hold the livestock at the place designated until the livestock have been inspected and an official certificate of inspection is issued. The person in charge shall render the inspecting officer such assistance as is practicable while the required inspection is being made.

(b) Upon being notified of the intention of any person to remove from the county any livestock when a prior inspection is required by law, the inspector notified shall go to the place designated at the time agreed upon, and make an inspection for brands and ownership of the livestock.

(c) The inspection shall be made by daylight in such manner as to enable the inspecting officer to make a thorough and efficient inspection. The inspector shall list by classes the livestock, showing number of each class and all brands, together with the names of owners of the brands, if known. The inspector may require from the person in charge proof of ownership of the livestock to be removed from the county, by brand record, bill of sale or the affidavits of at least two (2) responsible citizens of the county who are not interested financially in the animals. If ownership of any of the livestock is not claimed by the person intending to remove them from the county, then written authorization from the owner for such removal is required.

(d) Estrays, the ownership of which is unknown, shall not be removed from the county except by order of the inspector in accordance with W.S. 11-24-102.

6-705. PROOF OF PRIOR OWNERSHIP; PENALTIES FOR FURNISHING FALSE PROOF.

(a) When the proof of ownership inspection is used, inspectors shall require proof of ownership of livestock upon change of ownership as provided by W.S. 11-20-203(a) and an instrument evidencing such ownership shall be delivered by the shipper to the inspector who shall attach it to the form and return it to the agency.

(b) The furnishing of false proof of prior ownership is probable cause for investigation of a felony offense being committed. All livestock involved shall be remanded to the custody of the Wyoming livestock board pending the outcome of the investigation and criminal charges, if any. Costs incurred for maintenance of the livestock involved shall be paid by the person who furnished false proof of ownership. Should the investigation show the only offense involved is furnishing false proof of ownership, the person furnishing such false proof shall be fined not less than two hundred dollars (\$200.00) or more than seven hundred fifty dollars (\$750.00) or imprisoned for not more than six (6) months, or both.

6-706. WHEN INSPECTION NOT REQUIRED.

No inspection for brands and ownership is required for livestock originating in another state, territory or country and being transported through Wyoming by common carrier or contract carrier in interstate commerce, without leaving the custody of the carrier.

6-707. COMMON CARRIERS NOT TO RECEIVE LIVESTOCK FOR TRANSPORTATION WITHOUT CERTIFICATE.

Except as otherwise provided, it is unlawful for any railroad, trucker or other common or contract carrier, or any person to receive for transportation or to transport any horses, mules, cattle or sheep from any county in Wyoming to any other county, state, territory or country, until furnished with an official certificate of inspection, filled out and signed by an authorized inspector, showing the horses, mules, cattle or sheep to be transported have been inspected for brands and ownership.

6-708. FRAUDULENT USE OF INSPECTION CERTIFICATE AND MOVEMENT PERMIT; PENALTIES.

Fraudulent use of an inspection certificate and movement permit issued pursuant to W.S. 11-20-224 or 11-20-225 is punishable as set forth in section 1-108.

6-709. IMPOUNDING OF VEHICLES; LIEN.

Any vehicle used in the transportation of livestock in violation of this act may be impounded pending determination of the violation by a court. Upon conviction of the owner of the vehicle, or the owner of the livestock being transported, any expense incurred by an authorized officer for towing the vehicle or for feed and care of the livestock is a lien upon the vehicle or livestock until the expenses are paid in full.

6-710. WHEN AUTHORIZED TO DESTROY ANIMAL.

If in the opinion of any authorized brand inspector or officer a mark or brand upon any livestock has been fraudulently altered, obliterated or defaced so the original mark or brand cannot be determined by external inspection, the brand inspector or sheriff may seize and kill the animal to ascertain the mark or brand altered or defaced.

6-711. SALE OF CARCASS.

The carcass of any animal killed except such part as is retained for evidence, shall be promptly sold at public or private sale by the stock inspector or officer, and the proceeds paid into the general fund of the Town.

6-712. WRITTEN PERMISSION OF OWNER REQUIRED; CONTENTS OF PERMIT.

It is unlawful for the operator of any motor vehicle, or any other person in charge or control thereof, to transport livestock, swine or domestic fowls, or the carcasses of such animals or fowls, upon any public street or highway within this state or over or across lands within this state of which the operator or person is not the owner, lessee or tenant, without the written permission of the owner of the animals or domestic fowls or the carcasses thereof. The permit shall contain the name of the owner of the animals or domestic fowls, ages, sex, brands, if any, the date of transportation, the points of origin and destination of the shipment, and the person to whom consigned. Violation of this section shall be punished as set forth in section 1-108.

6-713. DISPLAY OF PERMIT TO PEACE OFFICER; WRITTEN STATEMENT IN LIEU OF PERMIT.

Any operator or other person in control of any vehicle transporting livestock, swine or domestic fowls, or the carcasses thereof, upon demand of any peace officer of Wyoming, shall exhibit his permit to carry the animals or domestic fowls, or carcasses thereof, or in lieu of such permit, shall make a written statement containing the same information as is specified in W.S. 11-21-101.

6-714. PEACE OFFICER AUTHORIZED TO STOP AND INSPECT CARRIER; SEARCH WITH OR WITHOUT WARRANT; SEIZURE OF ANIMALS UNLAWFULLY TAKEN.

(a) Any inspector, game warden or peace officer of the Town or state of Wyoming may stop any vehicle carrying livestock, poultry, or carcasses thereof, for the purpose of examining the owner's permit and the contents of the vehicle.

(b) Any inspector, game warden or other peace officer of the Town or state of Wyoming may detain any vehicle which he has probable cause to believe may contain stolen animals, poultry or carcasses thereof, for not to exceed twelve (12) hours or until a legal search warrant may be obtained. If the person in charge of the vehicle consents in writing to a search of the conveyance without a warrant, the search shall be made by the officer in the presence of the detained person as soon as the consent is obtained.

(c) Any inspector, game warden or peace officer of the county or state of Wyoming may seize and take into custody any animals, poultry or carcasses thereof which have been unlawfully taken, unlawfully transported or which are unlawfully in possession.

6-715. PROHIBITED ACTS; PENALTIES FOR VIOLATIONS.

Any person who makes a false statement, or who knowingly exhibits or causes to be exhibited to any peace officer any false or forged permit or statement, or who, upon request of any peace officer of Wyoming, refuses or neglects to exhibit a permit or make a statement, shall be punished as provided in Section 1-108.

6-716. ANIMALS TO BE FED WHILE IMPOUNDED; PENALTIES.

(a) Every person who impounds or causes to be impounded any animal in any pound or corral, under the laws of this Town, shall supply to the animal during confinement a sufficient quantity of wholesome food and water.

(b) Any person convicted of violating this section shall be imprisoned not exceeding six (6) months, or fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or both.

6-717. FURNISHING FOOD TO IMPOUNDED ANIMALS.

When any animal impounded is without food or water for more than twelve (12) successive hours, it is lawful for any person to enter into any pound or corral in which the animal is confined and supply the animal with food and water as often as necessary so long as the animal remains confined. Any person entering property to supply food and water to an impounded animal is not liable in any action for the entry and the reasonable cost of the food and water may be collected by him from the owner of the animal.

6-718. AUTHORITY TO PREVENT CRUELTY; PENALTY FOR INTERFERENCE WITH OFFICER.

Any officer or agent of the Town may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence. Any person who interferes with, obstructs or resists any officer or agent in the discharge of his duty shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred and fifty dollars (\$750.00), or imprisoned not more than one (6) months, or both.

6-719. LIVESTOCK BOARD; SEIZED ANIMALS AND VEHICLES; LIEN ON SEIZED CHATTELS; CIVIL ACTION FOR UNPAID EXPENSES.

When any person arrested under this act or any other act and is in charge of any vehicle drawn by or containing any animal cruelly treated at the time of arrest, any peace officer, agent or officer may take charge of the animal and vehicle and its contents, and give notice thereof to the owner, if known, and shall provide for them until their owner takes possession of them. The Town shall have a lien on the animals, the vehicle and its contents for the expense of the care and provision. The expense or any part remaining unpaid may be recovered by the Town in a civil action.

6-720. CARE OF ABANDONED ANIMALS; CIVIL ACTION FOR EXPENSES; LIEN.

Any peace officer, agent or officer of the Town may take charge of any animal found abandoned, neglected or cruelly treated. He shall give notice to the owner, if known, and may care and provide for the animal until the owner takes charge of the animal. The expenses of care and provision is a charge against the owner of the animal and collectible from the owner by the board or by the local government employing the peace officer taking charge of the animal in a civil action. The Town may detain the animals until the expense for food, shelter and care is paid and shall have a lien upon the animals therefor.

6-721. ENFORCEMENT OF LIENS; NOTICE TO OWNER.

Any person entitled to a lien under this act may enforce the lien by selling the animals and other personal property upon which the lien is given, at public auction, upon giving written notice to the owner, if he is known, of the time and place of the sale, at least five (5) days previous thereto, and by posting three (3) notices of the time and place of the sale in three (3) public places within the county at least five (5) days previous thereto. If the owner is not known, the notice shall be posted at least ten (10) days previous to the sale.

6-722. DESTRUCTION OF DISEASED ANIMALS.

Any agent or officer of the Town may destroy or cause to be destroyed any animal in his charge when in his judgment and by the written certificate of two (2) reputable citizens called to view the animal in his presence, one (1) of whom may be selected by the owner of the animal if he so requests, the animal appears to be injured, disabled, diseased past recovery or unfit for any useful purpose.

6-723. MISBRANDING OR ALTERING BRAND OF LIVESTOCK.

Whoever brands, or alters or defaces the brand of any horse, mule, sheep or cattle of another with intent to steal or to prevent the identification of the animal shall be sentenced as set forth in section 1-108.

6-724. Removing skins from carcasses without permission prohibited; exception as to railroads.

(a) Any person who skins or removes from a carcass any part of the skin, hide or pelt of any cattle, sheep, horses, mules or goats found dead, without permission from the owner, is guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or imprisoned not more than six (6) months, or both.

(b) This section does not prevent the skinning of animals killed by railroad companies by employees of the railroad company which killed the stock, but the hide, hides or pelts must be preserved for inspection according to law.

6-725. TRANSPORTATION OF BEEF UNLAWFULLY OBTAINED OR KILLED.

Transportation in Cokeville, without authority, of unlawfully obtained or killed beef, mutton, pork or poultry is unlawful, punishable as by law provided. Whenever any law enforcement officer of this state discovers any person unlawfully transporting any unlawfully obtained or killed beef, mutton, pork or poultry in any conveyance or vehicle, he shall seize the beef, mutton, pork or poultry and the conveyance or vehicle. The officer shall also arrest the person in possession thereof. The officer shall promptly prosecute proper charges against each person arrested in the proper court of the county in which the seizure is made. Upon conviction of the person charged with unlawful possession and transportation, the court shall order the forfeit of all personal property seized, and unless satisfactory cause to the contrary is shown by the owner, the court shall order prompt sale at public auction of the seized property. The resulting proceeds, after deducting expenses and costs of sale, shall be paid to the treasurer of the Town of Cokeville for the general fund.

6-726. DESERTION AND ABANDONMENT OF SHEEP BY HERDERS.

It is unlawful for any person having charge as herder of any sheep to willfully desert and abandon the sheep upon the open range and leave them without care or attention. The herder shall in all cases give the owner or his employer not less than five (5) days' notice prior to the time at which he intends to abandon the sheep. Any person who violates this section shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00), imprisoned not more than six (6) months, or both.

6-727. TAKING HORSES AND EQUIPMENT WITHOUT CONSENT OF OWNER.

Any person who unlawfully takes without consent of the owner any horse, ass or mule, or any buggy or other vehicle from the stable, lot, premises or pasture of another, or from a hitching post or rack or any other place, having been lawfully placed there, with intent to set at large, injure or wrongfully use the animal or vehicle taken, is guilty of criminal trespass and shall be fined not less than fifty dollars (\$50.00), or more than seven hundred fifty dollars (\$750.00), or imprisoned for not more than six (6) months, or both, and is also liable to the party injured in double the amount of damage sustained.

6-728. RANCH OR STABLE KEEPER NOT TO USE HORSES WITHOUT CONSENT OF OWNER.

If any person keeping a public ranch or stable uses or allows to be used without consent of the owner any horse, ox, mule or ass that is left with him to be ranched or fed, he shall forfeit to the owner all ranch or stable fees that may be due upon the animal used and an additional forty dollars (\$40.00) for each day the animal is used.

6-729. ABUSE OR NEGLIGENT TREATMENT BY BAILEE.

Any person who takes into his possession, or hires or loans any property of any livery stable keeper, or any other person, and while the property is in his custody shall willfully, or with gross neglect or culpable carelessness damage or destroy the property, or permit the property to be damaged or destroyed, or shall by willful or gross neglect cause the sickness, injury or death of any animal received into his possession, shall be fined not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00), or imprisoned not more than sixty (60) days, or both.

6-730. UNLAWFUL CUTTING OF EARS OF SHEEP.

(a) It is unlawful for any person willfully to cut, sever, detach or mutilate more than one-half (1/2) of either ear of any sheep or to unlawfully have in his possession or under his control any sheep which have more than one-half (1/2) of either ear removed or mutilated unless the same are so described in a bill of sale or other certificate of title covering the sheep. Sheep afflicted by bighead are exempt from the provisions of this section.

(b) Any person who violates the provisions of subsection (a) of this section is guilty of a felony and may be remanded to Lincoln County or the State of Wyoming for prosecution.

6-731. TAMPERING WITH OR DRUGGING OF LIVESTOCK PROHIBITED; DEFINITIONS; PENALTY.

(a) No person shall tamper with or sabotage any livestock which has been registered, entered or exhibited in any exhibition in this state.

(b) No person shall administer, dispense, distribute, manufacture, sell or use any drug to or for livestock which has been registered, entered or exhibited in any exhibition in this state unless the drug is approved for such use by the United States Food and Drug Administration or the United States Department of Agriculture. However, nothing shall prevent any person from using a drug on livestock owned by him if either federal agency has approved an application submitted for investigational use in accordance with the federal Food, Drug and Cosmetic Act.

(c) Any person who violates this section shall be punished as provided by section 1-108.

(d) As used in this section:

(i) "Drug" means as defined by W.S. 35-7-110(a)(x);

(ii) "Exhibition" means a show or sale of livestock at a fair or elsewhere in this state that is sponsored by or under the authority of the state or any political subdivision, local government, or any agricultural, horticultural or livestock society, association or corporation;

(iii) "Livestock" means any animal generally used for food or in the production of food, including, but not limited to, horses, mules and asses, cattle, sheep, goats, poultry, swine, rabbits or llamas;

(iv) "Sabotage" means to intentionally tamper with any livestock belonging to or owned by another person that has been registered, entered or exhibited in any exhibition or raised for the apparent purpose of being entered in an exhibition;

(v) "Tamper" shall not include any action taken or activity performed or administered by a licensed veterinarian or in accordance with instructions of a licensed veterinarian if the action or activity was undertaken for accepted medical purposes or any action taken as part of accepted grooming, commercial or medical practices, but shall include any of the following:

(1) Treatment of livestock in such a manner that food derived from the livestock would be considered adulterated under the Wyoming Food, Drug and Cosmetic Act, W.S. 35-7-109 et seq.;

(2) The injection, use or administration of any drug that is prohibited by any federal, state or local law or any drug that is used in a manner prohibited by any federal, state or local law;

(3) The injection or other internal administration of any product or material, whether gas, solid or liquid, to any livestock for the purposes of deception including concealing, enhancing or transforming the true conformation, configuration, color, breed, condition or age of the livestock or making the livestock appear more sound than the livestock would otherwise appear;

(4) The use or administration for cosmetic purposes of steroids, illegal growth stimulants or internal artificial filling, including paraffin, silicone injection, or any other substance;

(5) The use or application of any drug or feed additive affecting the central nervous system of the livestock;

(6) The use or administration of diuretics for cosmetic purposes;

(7) The manipulation or removal of tissue, by surgery or otherwise, so as to change, transform or enhance the true conformation or configuration of the livestock. Nothing in this subparagraph shall prohibit generally accepted management practices including but not limited to the dehorning, castration or spaying, corrective shoeing or trimming of any livestock;

(8) Subjecting the livestock to inhumane conditions or procedures for the purpose of concealing, enhancing or transforming the true conformation, configuration, condition or age of the livestock or making the livestock appear more sound than the livestock would otherwise appear;

(9) Substituting any different livestock for the livestock registered or entered in the exhibition without the permission of a responsible official of the exhibition.

6-732. UNLAWFUL KILLING OF WILD HORSES.

(a) For purposes of this section "wild horse" means a horse, mare, filly or colt which is unbranded and unclaimed and lives on state or public land.

(b) Any person, without legal justification, who willfully and maliciously kills a wild horse is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6), months or both.

6-733. PENALTIES FOR VIOLATION OF CERTAIN PROVISIONS.

Any violation of the provisions of 6-701 through 6-for which there is no specific penalty prescribed is punishable as provided in section 1-108.

TITLE VII

BUILDING AND STRUCTURES

Chapter 1

Building Code

- 7-101 Building Inspector
- 7-102 Duty of Building Inspector
- 7-103 Right of Entry
- 7-104 Repealed - 2003
- 7-105 Repealed - 2003
- 7-106 Permit Required
- 7-107 Bond May Be Required
- 7-108 Fees
- 7-109 Work to Comply with Permit
- 7-110 Inspections
- 7-111 Building Requirements-Plumbing
- 7-112 Building Requirements-Electrical
- 7-113 Repealed - 2003
- 7-114 Minimum Standards of Construction
- 7-115 Penalties

TITLE VII

BUILDINGS AND STRUCTURES

Chapter 1

Building Code

7-101. BUILDING INSPECTOR. The office of Building Inspector is hereby created. The Building Inspector shall be appointed by the Mayor, with the approval of the Town Council. The Mayor, with the approval of the Town Council, may designate an Acting Building Inspector who shall be the appointive authority during temporary absences or disabilities of the Building Inspector.

7-102. DUTY OF BUILDING INSPECTOR. It shall be the duty of the Building Inspector to inspect all legally permitted building projects. He shall be a member of the Planning and Zoning Commission. He shall be paid a fee, to be determined by the Town Council, for each inspection.

7-103. Repealed 2012

7-104. Repealed 2003

7-105. Repealed 2003

7-106. PERMIT REQUIRED. It shall be unlawful for any person, firm, or corporation to construct, add to, repair, other than normal maintenance, alter or move any building, structure or fence within the corporate limits of the Town of Cokeville, without first obtaining a permit therefore. Said permit shall be obtained upon written application therefore, accompanied by the proper fee, being presented to the Planning and Zoning Commission. Each application for a permit hereunder shall be accompanied by the necessary plans, specifications and materials to be used, in order that the Planning and Zoning Commission can determine the location of the structure upon the lot as to yard limits, set-back requirements, and compliance with the minimum requirements of this Title and with the zoning ordinances of the Town of Cokeville. If required by the Planning and Zoning Commission, the applicant shall also submit a plot plan prepared by a registered surveyor showing the dimensions of the lot in question, the location of the structures to be constructed, and any other details as requested by the Commission. It is the intent that the Planning and Zoning Commission shall have the authority to require a plot plan in sufficient detail so that determinations can be made as to whether or not the proposed structure complies with the necessary set-back and other requirements of this title and the zoning ordinances of the Town of Cokeville.

7-107. BOND MAY BE REQUIRED. The Planning and Zoning Commission shall place upon each permit a specific time for completion of the project. The Planning and Zoning Commission may, if they deem it necessary, require the permittee to post a bond to insure timely completion of the project.

SECTION 7-108: FEES

CONSTRUCTION COSTS & LABOR	FEE
\$1.00- \$1,000.00	\$30.00
\$1,001.00- \$10,000.00	\$30.00 for first \$1,000.00 plus \$5.00 each additional \$1,000.00, or fraction thereof, to and including \$10,000.00.
\$10,001.00 - \$100,000.00	\$75.00 for the first \$10,000 plus \$2.50 each additional \$1,000.00, or fraction thereof, to and including \$100,000.00.
\$100,001.00 - \$1,000,000.00	\$300.00 for the first \$100,000.00 plus \$1.50 each Additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and Up	\$1,650.00 for the first \$1,000,000.00 plus \$1.00 each additional \$1,000.00, or fraction thereof.

- Example:
- A. Build Shed \$3,780.00
\$30.00 (1st \$1,000) plus (2.78 x 5.00) 13.90 = \$43.90 for permit
 - B. Remodel back porch \$32,000
\$75.00 (1st \$10,000) plus (2.2 x 2.50) 55.00 = \$130.00 for permit
 - C. New Home \$225,900.00
\$300.00 (1st \$100,000) plus (125.9 x 1.50) 188.85 = \$488.85 for permit
 - D. New Business building \$2,539,000.00
\$1,650 (1st \$1,000,000) plus (1,539 x 1.00) 1,539.00 = \$3,189.00 for permit.
_____ Estimated hours of labor x \$_____ = cost

Council to set labor charge.

Requirements: A. Minimum Plan Requirements:

1. Two (2) sets of plans containing:
 - a. Site plan- minimum scale 1/16" equals 1 ft
 - b. Floor plan - minimum scale 1/4" equals 1 ft.
 - c. Elevation plan - minimum scale 1/4" equals 1 ft.
 - d. Standard structural cross section - minimum scale 1/4" equals 1 ft.
 - e. Options - designate options to be implemented.
- B. Copy of deed and/or survey - description of property identified by surveyor
- C. Designate set back distances on site plans
- D. Physical placement of site stakes on property
- E. **NO CONSTRUCTION MAY PROCEED UNTIL THE BUILDING PERMIT IS ISSUED.**
- F. Notify building inspector when you are ready for inspections.
- G. The Planning and Zoning Commission has the option to require any or all of the above requirements, pending final approval of the Town Council.
- H. Any plan presented for consideration by the Planning and Zoning Commission shall be presented to said commission no later than 7 days prior to their next scheduled meeting. Any plan presented after that shall not be considered until the next commission meeting, unless approval to do so is granted by the Planning and Zoning Chairman.

7-109. **WORK TO COMPLY WITH PERMIT.** All work on any structure or fence within the Town of Cokeville shall be done in compliance with the permit issued therefore. Upon inspection, any member of the Planning and Zoning Commission shall have the authority to order changes in the work to meet the requirements of this Title, the Zoning Code of the Town of Cokeville, and the permit issued for the work. Failure to make changes in the work so as to comply with the permit will result in cancellation of the permit. Whenever a permit is cancelled, all work being done there under shall cease pending a final determination before the Planning and Zoning Commission and the Town Council. The decision of the Town Council shall be final in the matter.

7-110. **INSPECTIONS.** The Planning and Zoning Commission shall cause at least three inspections to be made of all new buildings. The permit holder shall notify the Commission of the times when the building is ready for inspection, namely:

- (a) After the foundation is completed but before backfill around the structure.
- (b) When the framework, electrical wiring, plumbing and heating, are all completed as to rough in but not yet covered in walls or ceilings.
- (c) At completion of the building.

Other inspections may be made as required by the inspector to ensure proper compliance with this ordinance.

7-111. BUILDING REQUIREMENTS - PLUMBING. The minimum requirements established by the National Plumbing Code, for the type and intended use are hereby adopted as the standard for all plumbing installations, additions, or repairs and is hereby made a part of this ordinance. All appliances to which water is piped shall have a pressure rating of 300 pounds per square inch or as is approved by the appliance industry.

7-112. BUILDING REQUIREMENTS - ELECTRICAL. The minimum requirements established by the National Electrical Code, Standards of the National Board of Fire Underwriters for Electrical Wiring and Apparatus, for the type and intended use are hereby adopted as the standard for all electrical installations, additions, or repairs and is hereby made a part of this ordinance.

7-113. Repealed 2003

7-114. MINIMUM STANDARDS OF CONSTRUCTION. In the Town of Cokeville, all materials of construction and standards of construction shall, as a minimum requirement, meet the specifications set forth in Federal Housing Administration, Minimum Property Requirements for Rocky Mountain States, for the type and intended use.

7-115. PENALTIES. Any person violating any of the provisions of this Title shall be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville.

TITLE VIII

PUBLIC UTILITIES

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TITLE VIII

PUBLIC UTILITIES

CHAPTER 1

WATERWORKS

8-101. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

- (a) **WATERWORKS:** All facilities for collecting, pumping, treating, and disposing of water.
- (b) **PUBLIC WORKS DIRECTOR:** The Public Works Director of the Town of Cokeville, or his authorized deputy, agent or representative.
- (c) **SEWAGE:** Human excrement or waste and a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- (d) **WATER LINE or LINE:** A pipe or conduit for carrying water.
- (e) **PUBLIC LINE:** A water line or line in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (f) **PERSON:** Any individual, firm, company, association, society, corporation or group.
- (g) **SHALL:** Is mandatory; **MAY:** Is permissive.
- (h) **ONE-FAMILY DWELLING:** Refers to house, trailer house, mobile house, modular house or any other dwelling where one family lives.
- (i) **BACK PRESSURE:** The flow of water or other liquids, mixtures or substance under pressure into the feeding distribution pipes of a potable water supply system from any source other than the intended source.
- (j) **BACK SIPHONAGE:** The flow of water or other liquids, mixtures or substances into the distribution pipes of potable water supply system from any source other than the intended source, caused by the reduction of pressure in the potable water supply system.
- (k) **BACKFLOW:** The reversal of the normal flow of water caused by either back pressure or back siphonage.
- (l) **CROSS CONNECTION:** Any physical connection or arrangement of piping or fixtures which may allow nonpotable water or industrial fluids or other material or questionable quality to come into contact with potable water inside a distribution system. This phrase includes any temporary connections, including swing connection, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or changeover devices, sliding multiport tubes, or other similar

8-102. PUBLIC WORKS DIRECTOR. There is hereby created the office of the Public Works Director, who shall be the representative of the Mayor and Town Council in the management and supervision of the waterworks and sewer works. The Public Works Director shall be appointed by the Mayor and the Town Council.

8-103. OWNERSHIP AND CONTROL. The waterworks system of the Town of Cokeville shall be owned, maintained, controlled and managed exclusively by the Town of Cokeville through its agents and representatives, the Mayor and Town Council.

8-104. PURPOSE OF SYSTEM. The objective and purpose of the waterworks system shall be to make available to residents of the Town, water delivery and treatment facilities for the convenience and health of said residents and for the elimination of causes of pollution of water supply sources, air and land.

8-105. TAKING WATER WITHOUT PERMISSION FORBIDDEN. No person, firm, or corporation shall take, procure, or cause to be taken or procured any water from the water system of the Town of Cokeville, whether within or without the Town limits without first obtaining permission to do so and paying the proper fee therefore as is hereinafter provided.

It shall be unlawful for any water user to use fixtures or any water service not covered by the water service permit for the premises and for which no water rent is paid. Any person, persons, partnership or corporation violating the provisions above set forth shall be required to pay for such additional water service used, the established rate therefore plus a penalty of ten percent thereof for the water or service used from the installation of such additional water fixtures or the beginning of such additional use to the time of discovery. In determining the date of the installation of such added fixtures or the beginning of such additional use, Town officials or employees may use such reliable information as they may be able to obtain from any source and the burden shall be upon the water user to disprove such date if any difference arises.

Upon failure of the water user to pay such additional charges with ten days from the mailing of written statement demanding such payment, the water supply may be shut off until such charges are paid in full and the violator or violators may be prosecuted, in addition, for violation of this Chapter.

8-106. PERMITS - DUTY OF TOWN CLERK. All water service permits shall be issued and signed by the Town Clerk under the seal of the Town and no person shall be permitted to use water from the Town distribution system until such water service permit has been properly issued. It shall be the duty of the Town Clerk to collect all water service charges and other charges provided for herein and penalties provided by this Chapter and to properly account therefore. The Town Clerk shall keep a full and complete record of all water service permits issued, including all of the information contained in said permits and the rates to be charged there under.

All costs and expenses incident to the installation and connection of the applicant's water line into the water system of the Town of Cokeville shall be borne by the owner, including the cost to repair or replace the roadway surface.

8-107 TAP FEE. A tap fee shall be charged for each new individual water service hook up

to the Town of Cokeville, Wyoming water distribution system. All costs and expenses incident to the installation and connection of the applicant's water line into the waterworks system of the Town of Cokeville shall be borne by the owner. The hookup fees are as follows:

(a) **HOOK UP CHARGES**

(1)	3/4-inch water service	\$ 600.00
(2)	1 inch water service	900.00
(3)	1 1/4-inch water service	1,075.00
(4)	1 1/2-inch water service	1,275.00
(5)	2-inch water service	1,800.00
(6)	2 1/2-inch water service	2,475.00
(7)	3-inch water service	3,100.00
(8)	4-inch water service	5,000.00

For larger sizes the charge shall be set by Resolution of the Town Council.

(b) **Additional Fees**

Owner of premises will also be charged current costs of all materials used to hook up/connect to the town water system. Materials may include but are not limited to pipe, fittings, valves, saddles, valve boxes, back flow prevention, meters, meter boxes, back fill materials, concrete, asphalt, road base. etc.

11/9/2021

8-108. Water users shall be charged the rates hereinafter set out for water services; provided, however the "flat rate" basis shall apply until such time as water meters are installed in all residential buildings; thereafter, the town of Cokeville, at its discretion **may** apply "metered rates" as the Town of Cokeville deems necessary. Nothing in this section shall prohibit the Town of Cokeville from charging commercial or other users who use large amounts of water "metered rates" as the Town of Cokeville deems necessary.

(a) **FLAT RATES FOR RESIDENTIAL DWELLINGS**

(1)	Each one-family dwelling with 3/4" line	\$40.00
(2)	Outside city limits – 3/4" line	55.00

(b) **FLAT RATES FOR OTHER USES: INDEPENDENT OF SERVICE SIZE.**

(1)	Laundries and Laundromats, per machine	18.00
(2)	Travel Trailer Courts (per unit)	22.00

(c) **FLAT RATES FOR OTHER USES (including residential uses); dependent upon service size.**

(1)	3/4 INCH WATER SERVICE	\$40.00
(2)	1 INCH WATER SERVICE	55.00
(3)	1 1/4 INCH WATER SERVICE	65.00
(4)	1 1/2 INCH WATER SERVICE	75.00
(5)	2 INCH WATER SERVICE	105.00

(6)	2 ½ INCH WATER SERVICE	135.00
(7)	3 INCH WATER SERVICE	175.00
(8)	4 INCH WATER SERVICE	280.00
(9)	5 INCH WATER SERVICE	430.00
(10)	6 INCH WATER SERVICE	520.00
Outside city limits – other than ¾ inch		pipe size above times 1.5

(d) **METERED RATES.** All users in the town of Cokeville, Wyoming or connected to municipal water system, shall pay the flat rates as listed in 8-108 (a) and (c), for the first 20,000 gallons of water used per month, and \$3.00 per 1,000 gallons used thereafter per month. The application of this subsection is subject to the terms of 8-108 as previously set forth herein.

(e) **BULK RATES.** All bulk water users will be charged \$20.00 per 1,000 gallons.

(f) **SEASONAL CONNECTIONS**

The owner of the premises of all seasonal connections will be charged an annual turn on/turn off fee of \$50 per connection in addition to the monthly rate for the appropriate size of service during the months the service is in active use. 11/9/2021

8-109. **WATER METERS.** The Town is hereby authorized to install water meters upon such premises and at such locations as they may deem advisable. Such meters shall be conveniently located at a point designated and approved by the Town, so as to be easily accessible for maintaining, repairing and reading. All new construction of residences and businesses shall install a water meter when hooking to the Town water supply. When any water line that connects to the Town water system is repaired or replaced near the shutoff, a water meter shall be installed as well. The cost of water meters shall be borne by the owner for new construction, and the cost of water meters shall be borne by the Town for repaired or reconstructed water lines. Water meters shall also be required to be installed on any residence, business, or any other type of existing water user that is annexed into the Town of Cokeville before such annexation shall take place. The cost of installing the water meter(s) shall be borne by the property owner(s) or water user(s).

8-110. **BILLING PROCEDURE.** The Town Clerk shall issue monthly billing to each person connected to the waterworks system. Payment shall be remitted to the office of the Town Treasurer, where it shall be deposited to the waterworks account.

8-111. **DELINQUENT ACCOUNTS.** All bills issued to users of the waterworks system shall be due and payable when forwarded to the property owner involved, or his agent. If any person neglects, refuses or fails to pay his water bill within thirty (30) days after the same becomes due, water services to that particular user may be discontinued by plugging off the water line at the point of entry in the water main. Before the services are renewed, the total delinquent amount must be paid, together with a \$25.00 penalty, and the necessary expenses incurred in plugging off the water line. In the event the Town elects to sue in a civil court of competent jurisdiction for recovery of the delinquent water tariff, costs of court, sheriff's fees, a reasonable attorney's fee and interest at the current legal rate, shall be assessed to the Defendant and become part of the claim of the Town of Cokeville.

8-112. **OWNER LIABLE FOR PAYMENT OF FEES.** All water service permits shall be issued and billed in the name of the owner of the premises and the said owner of the premises shall be primarily responsible for the payment of all water service charges notwithstanding any other agreement

between the owner and occupant thereof. All unpaid delinquent water service charges shall be and constitute a lien against the premises and the same may be collected by civil action against the owner or by foreclosure of the lien against the premises and sale thereof; such action of collection or foreclosure to be brought in any Court having jurisdiction of such action.

8-113. NON-USE OF WATER; NOTICE REQUIRED. No credit shall be allowed any water user for non-use of water under any water service permit for any period less than thirty days and in no event shall a credit be allowed for such non-use unless notice is given to the Town Clerk within ten days of the beginning of such period of non-use. It is also required that notice be given to the Town Clerk within ten days after the resumption of use or credit for non-use will not be allowed and the total amount of any previous credit granted shall become due and payable as a penalty for failure to report such resumption.

8-114. UNLAWFUL TO FURNISH WATER TO ANOTHER. No person, persons, partnership or corporation holding a water service permit shall supply water to other persons or allow other persons to take water from them for personal use on other premises, or in other places or business, for use on other than those described in the water service permit or for any use whatsoever not covered by said permit. The permit of any person, persons, partnership or corporation violating the provisions of the Section shall be revoked and the supply of water shut off until such time as the water user shall pay to the Town of Cokeville the additional charges for the water improperly used. In addition, said water user may be prosecuted for violation of this Chapter.

8-115. WATER CONNECTIONS. It shall be unlawful for any person to uncover, connect into, use, alter, disturb, or in any manner perform any work upon any of the waterworks' system of the Town of Cokeville, without first obtaining a permit for the Public Works Director. It shall also be unlawful for any person to extend water pipes, lines or mains from one user to another without a special permit granted by the Town Council. No person except the Town Council or some person under its direction shall be authorized to tap any part of the waterworks of the Town of Cokeville.

8-116. SPECIFICATIONS FOR CONNECTING LINES. All water pipes, lines or mains going from the Town waterworks system to the home, building, or place of use, shall comply with such standards, plans and specifications as shall be established by the Town Engineer or Public Works Director.

8-117. OPENING STREETS. No street shall be opened or any water pipe tapped, or service pipe laid without permission from the Town Council. The service pipe to be laid shall be of the size specified in the permission. The street must be opened, and the planks or paving stones or earth deposited in a manner that will occasion the least inconvenience to the public, and shall allow for passage of water along the gutters. Suitable barricades must be erected around the excavation and if any excavation remains during the hours of darkness, then suitable warning signals of flares must be placed and maintained on both sides of the said excavation.

8-118. GOOSE NECKS NOT ALLOWED. In all cases taps and connections must be inserted in the side of the main, and no goose necks shall be allowed. Any waterworks connections or expansions required to be installed for any person, firm, or corporation shall be put in, constructed and installed under the supervision of the Town Council or its authorized representative, and shall be paid for by the person, firm or corporation desiring the same, except that the Town of Cokeville shall pay for the supervision by the Town Council or its representative.

8-119. INSPECTION. Before any connection to the waterworks system is completed, the Public

Works Director or the City Engineer shall examine the connecting line to make certain the provisions of this Chapter have been met. The Public Works Director or the City Engineer shall also supervise the Y or saddle connection to the water main of the waterworks system.

8-120. **BACKFILL.** All water connections shall be backfilled around and over the pipe for a depth of no less than two (2) feet with fine material, carefully tamped. All other backfilling shall be completed with good material, well-tamped with no more than two (2) foot layers tamped at one time, or as otherwise may be directed by the Public Works Director or Town Engineer.

8-121. **TOWN COUNCIL TO SUPERVISE.** The Town Council shall direct, control, and supervise all matters and operations pertaining to opening of the streets and making water connections.

8-122. **SIZE OF PIPE.** All service pipes shall be made of copper, or other material approved by the Town, and not larger than 3/4 inches in diameter, except when specifically authorized by the Town Council; and not less in weight is denominated strong, and must in all cases be laid at a depth not less than five feet from the surface of the ground; and in all cases where the size of the pipe is now 1/2 inch and the owner or patron desires to change to 3/4 inch size, such change shall be made at the expense of the person desiring to make such change.

8-123. **SERVICE BOXES.** The Town of Cokeville shall furnish service boxes to all water users; provided, however, that the purchase, installation and maintenance of said service boxes shall be at the sole expense of the property owner. Stop cocks shall be installed at every service pipe and shall be protected by a service box hereinbefore mentioned and the same shall be placed by a plumber or other person under the direction of the Town Council on the edge of the sidewalk nearest to the inside curb, visible, or even with the surface of the sidewalk. When more than one building is supplied by a single service pipe or connection by means of branch service pipes, each branch pipe shall have a stop cock, and with a box and cover complete, to be located as near the sidewalk as practicable.

8-124. **WATER CLOSET.** No connection shall be made from the water system to any closet which can or may be left running when such closet shall not be in use.

8-125. **LOCATION OF HYDRANT.** No hydrant shall be located on the sidewalk or outside the premises of the person obtaining water from the system.

8-126. **MAINTENANCE AND RIGHT OF ENTRY FOR INSPECTION.** Maintenance by the Town of Cokeville for the water system shall not extend to or upon the property owner's premises. Upon reasonable cause, The Town Council, Police Department, or Public Works employees of the Town of Cokeville, shall have access at any reasonable hour to any premises and building where water is used, for the purpose of ascertaining whether parties are violating any of the provisions of the ordinances of the Town of Cokeville relating to the use of water. Any person refusing to allow access to his premises may immediately have his water shut off.

8-127. **DUTY OF USERS TO MAINTAIN PIPES, VALVES, ETC.** All water users shall keep their own service pipes, faucets, valves and water-using fixtures in good repair at all times and shall protect the same from frost and freezing at their own expense, and no claim shall be made against the Town for any damages resulting from the breaking of any pipes, faucets, valves, water-using fixtures, meters or any other apparatus used in connection therewith.

8-128. **WASTE OF WATER PROHIBITED.** No person, firm or corporation shall in any way waste

any water within the Town of Cokeville.

8-129. **LIMITATION ON LIVESTOCK WATERING.** Whenever any water is permitted to run continuously for the watering of livestock or otherwise, the hydrant faucet opening shall be of the size of 1/8 inch or less.

8-130. **RESTRICTIONS ON IRRIGATION.** Regular watering hours from the Town water supply system for irrigation shall be between the hours of 5 a.m. to 11 a.m. and from 5 p.m. to 11 p.m. daily. No water for irrigation shall be used between the hours of 11 a.m. to 5 p.m. and between the hours of 11 p.m. to 5 a.m. Users that have an approved underground sprinkler system, which by definition shall be one that is comprised of permanently buried piping and heads and controlled by an automatic timing system, shall irrigate between the hours of 11 p.m. and 5 a.m.; provided that the Town Council, whenever it deems it necessary, may further restrict the hours during which irrigation will be permitted. Notice of such restriction is to be given by circulars, printed notices or by publication in one or more of the newspapers published and/or of general circulation in the Town.

8-131. **USES PERMITTED UNDER "IRRIGATION."** Permission to use water for irrigation purposes shall include watering or sprinkling of premises for lawn or garden and washing of automobiles or other vehicles.

8-132. **IRRIGATION TO BE THROUGH HOSE WITH NOZZLE ATTACHED.** All uses of water for irrigation shall be through a good and sufficient hose, or similar device, which shall be kept in good repair and condition, and each hose or other device shall have a nozzle attached thereto; the total flow of water from said hose and nozzle shall not exceed the flow from a nozzle having a one-quarter inch opening.

8-133. **INTERFERENCE FORBIDDEN.** No person shall damage or interfere with the water supply or supply works of the Town of Cokeville, whether owned by the Town of Cokeville or privately owned and connected in any way with the waterworks system.

8-134. **USE OF WATER DURING FIRE.** No person, during an alarm of fire, shall use water for fountain, yard, or street sprinklers.

8-135. **USE OF TOWN WATER SYSTEM REQUIRED; EXCEPTIONS.** Any residence or business that falls within the corporate limits of the Town of Cokeville shall connect to the town water system for their water needs, including but not limited to, culinary, sanitation, and irrigation. It shall be unlawful to drill a water well within the Town of Cokeville for any purpose. An exception to this will be when a land owner within the Town of Cokeville applies to the Town Council for written permission to drill a water well for the expressed purpose of irrigating agricultural lands that comply with all current zoning regulations and the lot is at least two (2) acres in size. A water well drilled under these conditions shall be at least one hundred (100) feet from any residence and shall not be connected in any way to any building or residence on the property. The method of irrigation from any water source within the limits of the Town of Cokeville shall be sprinkling, no flood irrigation shall be allowed.

8-136. **SEVERABILITY.** This Chapter and the various parts, sections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a Court of competent jurisdiction, such adjudication shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part or parts.

8-137. **PENALTIES.** Except as specified in this section, any person who violates any provision of this Chapter, shall, upon conviction, be deemed guilty of a misdemeanor, and punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville. Any person violating any of

the provisions of this Chapter shall be liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

8-138. **WATER SUPPLY PROTECTONS.** No water service connection to any premises shall be installed or maintained by the town, or any other water utility, unless the water supplying the premises is protected as required by town laws and regulations.

8-139. **DUTY TO INSPECT** -It shall be the responsibility of the water consumer to purchase, install, test and maintain backflow prevention devices/assembly where necessary and to control cross connections. Certified inspections and operational tests shall be made at least once a year for commercial properties. Residential properties with secondary irrigation water system hookup will require an inspection when installed and again if any changes to the backflow systems or repairs are made.

8-140. **NEW CONSTRUCTION.** The town engineer will review all plans for new construction to ensure that unprotected cross connections are not an integral part of the consumer's water system. If a cross connection cannot be eliminated, protection will be required by installation of an air gap or other approved backflow prevention device/assembly. Water vacating the drinking water supply must do so by means of an approved air gap or mechanical backflow prevention assembly.

8-141. **INSTALLATION REQUIRED.** Whenever the town deems a service connection's water usage contributes a sufficient hazard to the water supply, as defined by the American Plumbing Water Association (APWA) 2017 code, installation of an approved backflow prevention assembly shall be required on a lateral service line of the consumer's water system, at or near the property line, or immediately inside the building being served, but before the first branch line leading off the lateral service line in any event. The type of protective assembly required shall depend upon the degree of hazard existing at the point of cross connection (whether direct or indirect), so as to comply with local requirements. The town shall inspect all backflow prevention assemblies within ten (10) working days after their initial installation in order to determine their adequacy.

8-142 **EXISTING EQUIPMENT.** All backflow prevention assemblies existing at the time of adoption hereof but which do not meet the requirements hereof shall nonetheless be excluded from the requirements of this chapter, provided they were approved for the purposes described herein at the time of installation and have been properly maintained so as to function in the manner originally intended. Such previously existing assemblies nonetheless shall be subject to the periodic inspection and testing. Whenever an existing assembly is moved to another location, or requires more than minimum maintenance, or where it is determined to constitute a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this chapter.

8-143 **REPAIR AND MAINTENANCE OF EQUIPMENT.** The maintenance, including necessary repairs, for all backflow prevention assemblies and cross connection control devices required by this chapter shall be the responsibility of the consumer, and failure to adequately maintain any required equipment shall be violation hereof. All installations and repairs of such equipment shall be affected by a certified journeyman plumber or other agent of the owner.

8-144 **ACCESS FOR INSPECTION.** A consumer's system shall be open for inspection at all reasonable times to authorized representatives of the town water department in order to determine whether cross connections or other structural or sanitary hazards, including violations of this chapter, exist. In order to determine that no backflow prevention assemble is installed in such manner as to create a safety hazard, the inspection shall include access to above ceiling areas, pits, paneled interior

areas, or other locations where cross connections might exist.

8-145 CERTIFIED BACKFLOW TECHNICION. All tests of mechanical devices/assemblies shall be conducted by a certified backflow technician who will be responsible for the competence and accuracy of all tests and reports. Such technician shall be responsible for the following:

- A. Assure that acceptable testing equipment and procedures are used for testing, repairing or overhauling of backflow prevention assemblies.
- B. Make reports of such testing and/or repair to the consumer and the town.
- C. Include in all reports a list of any materials or replacement parts used.
- D. Assure that replacements parts are equal in quality to original parts and that any testing, repair or replacement does not change the design or operational characteristics of the assembly.
- E. Maintain his license in current condition and his testing equipment in proper operation condition.
- F. Be equipped with, and competent to use, all necessary tools gauges and other equipment necessary to properly test and maintain backflow prevention assemblies.
- G. Tag each double check valve, pressure vacuum break, reduce pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by who, including the technician's license number.

8-146 NOTIFICATION OF PUBLIC. Although failure of consumer to be aware of this chapter shall be no defense to violation hereof, the town shall use reasonable means to notify consumers of the hazards of cross connection and the need to inspect backflow prevention assemblies.

8-147 RECORDS. The Cokeville Town Water Department shall keep reasonable records of cross connection hazards and the condition of backflow assemblies.

8-148 VIOLATIONS. Service of water to a consumer found to be in violation of this chapter shall be discontinued by the town after written notice of the violation and appropriate time suspended for voluntary compliance, and the due process entitlements otherwise extended by the town before termination of water service. A violation exists if:

- A. A backflow prevention assembly required by this chapter for control of cross connections is not installed, tested or maintained.
- B. It is found that a backflow prevention assembly has been removed or bypassed.
- C. An unprotected cross connection exists on the premises.
- D. The periodic system inspection has not been conducted.

Where written notification of deficiency is provided by the town, in the event of a failure by the

consumer to take the required corrective action within ten (10) days to restore all such conditions, or defects a monetary penalty shall be enacted along with the termination of water service. In addition to any penalty, violation of this chapter shall be a class B misdemeanor.

June 8, 2021

The penalty for violation of 8-130, Restrictions on Irrigation, shall be as follows:

First offence of watering or irrigating outside of permitted hours shall constitute a \$25.00 fine.

Second offence of watering or irrigating outside of permitted hours shall constitute a \$50.00 fine.

Offences of watering or irrigating outside of permitted hours after the second offence shall be handled as provided for above, including an appearance in the Municipal Court of the Town of Cokeville.

First, second, and other offences as described above are within the same calendar year.

TITLE VIII

PUBLIC UTILITIES

CHAPTER 2

SEWAGE SYSTEM

8-201. DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Chapter shall be as follows:

- (a) SEWAGE WORKS: All facilities for collecting pumping treating and disposing of sewage.
- (b) PUBLIC WORKS DIRECTOR: The Public Works Director of the municipal Sewage works of the Town of Cokeville, or his authorized deputy, agent or representative.
- (c) SEWAGE: Human excrement or waste and a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (d) SEWER: A pipe or conduit for carrying sewage.
- (e) PUBLIC SEWER: A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- (f) PERSON: Any individual, firm, company, association, society, corporation or group.
- (g) SHALL: Is mandatory; MAY: Is permissive.

8-202. OWNERSHIP AND CONTROL. The sewer works system of the Town of Cokeville shall be owned, maintained, controlled and managed exclusively by the Town of Cokeville through its agents and representatives, the Mayor and Town Council.

8-203. PURPOSE FOR SYSTEM. The objective and purpose of the sewer works system shall be to make available to residents of the Town, sanitary sewerage disposal facilities for the convenience and health of said residents and for the elimination of causes of pollution of water supply sources, air and land.

8-204. PUBLIC WORKS DIRECTOR. Wherever the words "Public Works Director" is used in this Chapter, it shall be taken to mean the Public Works Director as set forth in Section 8-102 of this Revised Code.

8-205. RATES: Each user connected to the sewer works systems without a meter shall be charged the following monthly rates:

- | | | |
|-----|--|---------|
| (a) | Each one-family dwelling | \$65.00 |
| (b) | Each business having one or more restrooms. This applies only to separate building, not rooms within residences. | \$65.00 |

- | | | |
|-----|--|---------|
| (c) | Trailer courts (per occupied space) | \$65.00 |
| (d) | Laundries and Laundromats (per machine) | \$30.00 |
| (e) | Travel Trailer courts (per unit) RV Spots) | \$40.00 |
- (f) Sewer rates for business users with metered water rates:
The user shall pay a rate equal to eighty percent (80%) of the water line size over 2 inch, plus eighty percent (80%) of any water surcharge over the metered water line limit. Users not exceeding the monthly water limit will only pay the eighty percent (80%) water line rate.
- (g) Dumping of sewage at the waste treatment plant- up to 1000 gallons per load \$90.00
- (h) Council shall have the right to set special rates as deemed necessary.

8-206. **BILLING PROCEDURE.** The Town Clerk shall issue a monthly billing to each property owner connected to the sewer works system. Payment shall be remitted to the Office of the Town Clerk, where it shall be deposited to the sewer works account. All unpaid delinquent sewer service charges shall be and constitute a lien against the premises and the same may be collected by civil action against the owner or by foreclosure of the lien against the premises and sale thereof; such action of collection or foreclosure to be brought in any Court having jurisdiction of such action.

8-207. **DELINQUENT ACCOUNTS.** All bills issued to users of the sewer works system shall be due and payable when forwarded to the property owner involved, or his agent. If any person neglects, refuses or fails to pay his sewer bill within fifteen (15) days after the same becomes due, sewer services to that particular user may be discontinued by plugging off the sewer line at the point of entry in the sewer main. Before the services are renewed, the total delinquent amount must be paid, together with a \$25.00 penalty, and the necessary expenses incurred in plugging off competent jurisdiction for recovery of the delinquent sewer tariff, costs of court, sheriff's fees, a reasonable attorney's fee and interest shall be assessed to the Defendant and become part of the claim of the Town of Cokeville.

8-208. **USE OF PUBLIC SEWERS REQUIRED.** It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the Town of Cokeville, or in any area under the jurisdiction of the city, any human excrement, garbage or waste. It shall be unlawful for any person to construct, use or maintain any cesspool, septic tank, privy, privy vault or other facility intended or used for the disposal of sewage within the corporate limits of the Town of Cokeville.

8-209. **SEWER CONNECTIONS.** It shall be unlawful for any person to uncover, connect into, use alter, disturb or in any manner perform any work upon any of the sewer works system of the Town of Cokeville, without first obtaining a permit from the Town of Cokeville. It shall also be unlawful for any person to extend sewer pipes, lines or mains from one user to another without a special permit granted by the Town Council.

8-210. **SEWER CONNECTIONS.** All applications for sewer and inspection permits shall be on forms furnished by the Town of Cokeville. A permit and inspection fee shall be paid to the Town Clerk at the time the application for a permit is filed. All costs and expenses incident to the installation and connection of an applicant's sewer line into the sewer works system of the Town of Cokeville shall be borne by the owner, including the cost to repair or replace the roadway surface.

8-211 PERMIT AND INSPECTION FEES. The hookup fee to be paid to the Town Clerk at the time of application for a permit for all new connections shall be as follows:

- (a) Residential:
 - (1) Single Family Residence \$600.00
 - (2) Multiple Family Residence \$600.00 for the first unit, and
\$300.00 for each additional unit served.
- (b) Commercial: by one water service. This includes motels and trailer parks.

8-212. SPECIFICATIONS FOR CONNECTING LINES. All sewer pipes, lines or mains going from the Town sewer works system to the home, building or place of use shall comply with such standards, plans and specifications as shall be established by the Town Engineer.

8-213. INSPECTION. Before any connection to the sewer works system is completed, the Public Works Director or the Town Engineer shall examine the connecting line to make certain the provisions of this Chapter have been met. The Public Works Director or the Town Engineer shall also supervise the Y or saddle connection to the sewer main of the sewer works system.

8-214. BACKFILL. All sewer connections shall be backfilled around and over the pipe for a depth of no less than two (2) feet with fine material, carefully tamped. All other backfilling call be completed with good material, well-tamped with no more than two (2) foot layers tamped at one time, or as otherwise may be directed by the Public Works Director or Town Engineer.

8-215. SEVERABILITY. This Chapter and the various parts, selections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of any other part of this Chapter which can be given effect without such invalid part or parts.

8-216. PENALTIES. Any person who violates any provision of this Chapter, shall, upon conviction, be deemed guilty of a misdemeanor, and punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville. Any person violating any of the provisions of this Chapter shall be liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

TITLE IX

SUBDIVISIONS

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TITLE IX

SUBDIVISIONS

Chapter 1

General Provisions

9-101. **PURPOSE.** This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, an welfare of the present and future consultants of the Town of Cokeville, Wyoming, by: encouraging the proper arrangement of streets in relation to existing or planned streets and to the Master Plan adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, civil defense, recreation, sites for schools and educational facilities and related structures, light and air; avoiding congested population, and regulation of such other matters as the Cokeville Town Council may deem necessary in order to protect the best interests of the public.

9-102. **AUTHORITY.** This Ordinance was promulgated under Section 15-1-401 through 15-1-801, Wyoming Statutes, as amended, and by the general powers given to the Town of Cokeville by the State of Wyoming.

9-103. **ADMINISTRATION.** All plans of streets or highways for public use and all plans, plats, plots, and re-plots of land laid out in subdivisions or building lots and the streets, highways, alleys or other portions of same intended to be dedicated to a public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission and the Town Council for approval, disapproval, or approval with stipulations. All plats must be approved by the Planning and Zoning Commission and Town Council prior to the plat being recorded by the County. No lots may be sold prior to recording of the plat with the County Clerk and Recorder. Previously approved plats should not be declared to be invalid by these regulations. Exemptions to these regulations are cemetery lots, sales to the United States of America or the State of Wyoming, railroad rights-of-way, and sale of an already platted lot.

9-104. **INTERPRETATION.** Where any provisions of this Ordinance impose more stringent regulations, requirements, or limitations than imposed or required by any other ordinance or statutes of the State of Wyoming, then the provisions of this Ordinance shall govern.

9-105. **JURISDICTION.** The territorial jurisdiction of these regulations shall include all of the incorporated land located within the Town of Cokeville, Wyoming.

TITLE IX

SUBDIVISIONS

Chapter 2 Procedural Requirements

9-201. PRE-APPLICATION PROCEDURES - SKETCH PLAN. Before subdividing, the subdivider shall:

- (a) Meet with the Planning and Zoning Commission to discuss the proposed subdivision, and
- (b) Reach an agreement as to any requirements and neighboring property relationships, and
- (c) Meet with the Town Council and Town Engineer concerning proper standards which will be expected, and
- (d) If the area to be subdivided is also to be annexed to the Town, reach an agreement with the Town concerning proposed annexation.
- (e) Present a sketch plan of the proposed subdivision to the Planning and Zoning Commission and Town Council. The purpose of the sketch plan is to inform the Planning and Zoning Commission and Town Council what uses will be included where they will be located and how they are proposed to be served by streets and utilities. The applicant is also informed about specific requirements, potential problems and review processes.
- (f) Planning and Zoning Commission and Town Council shall have thirty (30) days from date of submittal to review and make comments.
- (g) No official action is required of the Planning and Zoning Commission and Council other than to offer appropriate written comments on the proposal.

9-202. PRELIMINARY PLAT. After preliminary discussions and agreements with the Planning and Zoning Commission and the Town Council, the subdivider shall:

- (a) Prepare the preliminary plat as per standards set forth in Chapter 4, and
- (b) File eight (8) copies of the preliminary plat with the Commission for approval or disapproval, and
- (c) Present a copy to the Town Engineer for approval or disapproval, and
- (d) Make any necessary corrections to the preliminary plat as per review of the Planning and Zoning Commission and the Town Engineer.

9-203. FINAL PLAT AND FINAL ENGINEERING PLANS. Not more than one (1) year after receiving approval of the preliminary plat, the subdivider shall:

- (a) Submit the original and Five (5) copies of the final plat and final engineering plans, prepared in accordance with Chapter 5 of this Ordinance, and the estimated cost of the land improvements, to the Town Building Inspector, not less than ten (10) days in advance of the date set for Town Council action. The Town Building Inspector shall disperse these materials as follows: One (1) copy to the Town Engineer; one (1) copy to the Town Attorney; one (1) copy to the Town Council; and one (1) copy to the Planning and Zoning Commission. Planning and Zoning Commission approval shall not be required before Council approval. The Town Engineer and the Town Council shall approve or disapprove the final plat and final engineering plans. The Town Council may extend the one (1) year time limit, and
- (b) Make arrangements with the Town Engineer for checking of engineering and improvements data and for the installation of proposed improvements or the furnishing of the bonds in lieu of improvement, and
- (c) After having received Town Council approval, the subdivider shall post a guarantee to the Town for completion of all land improvements yet remaining to be installed and shall pay necessary fees to the Town Clerk, including necessary filing fee. Said plat shall then be signed by all parties as required by this ordinance and State Law, and the plat shall then be filed with the County Clerk.

9-204. PERMIT AND DENIAL: RE-APPLICATION AND VARIANCE. A disapproval of the preliminary plat or final plat or the denial of a permit shall contain in writing the specific reason(s) for approval or denial. An applicant may within six (6) months reapply for a permit, which application shall include an affidavit to the Planning and Zoning Commission that the deficiencies in the previous application have been corrected.

9-205. RE-APPLICATION OF VARIANCE. Appeal of the decision shall be to the Planning and Zoning Commission and the Council sitting as a body to hear reapplications or requests for variance.

9-206. ENGINEERING STANDARDS. Engineering standards of the Town of Cokeville are included in this Ordinance by reference.

9-207. OTHER PUBLIC AGENCIES. If, in its opinion, a preliminary plat contains land which may be needed for a public utility, park, school, or other public facility, the Planning and Zoning Commission shall submit copies of the plat to the appropriate public agency for review. The public agency shall have thirty (30) days within which to review the plat and file a report to the Planning and Zoning Commission.

TITLE IX

SUBDIVISIONS

Chapter 3 Rules and Definitions

9-301. RULES. The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction;

- (a) The singular number includes the plural and the plural, singular;
- (b) The present tense includes the past and future tenses, and the future, the present;
- (c) The word “shall” is mandatory, while the word “may” is permissive;
- (d) The masculine gender includes the feminine and neuter;
- (e) Whenever a word or term defined herein appears in the text of this Ordinance, its meaning shall be constructed as set forth in the definition thereof; and any word appearing in parentheses, directly after a word herein defined, shall be construed in the same sense as that word;
- (f) All measured distances shall be expressed in feet, tenths, and hundredths.

9-302. DEFINITIONS. The following words and terms, wherever they occur in this Ordinance, shall be construed as here defined.

DEFINITIONS - SUBDIVISIONS

- 1. Alley: A minor way, dedicated to the public, used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
- 2. Arterial Street: (thoroughfare, major street, highway): A public right-of-way with the highest degree of traffic and serving as a major traffic way for fast or heavy traffic between the various districts of the Town; as shown in the official plan.
- 3. Block: A parcel of land bounded by public right-of-way, another subdivision or unplotted land.
- 4. Building Setback Line: A line within a lot or other parcel of land so designated on the preliminary plat, between which line and the adjacent street the erection of an enclosed structure is prohibited.
- 5. Collector Street: A street of considerable continuity which carries traffic from minor streets to an arterial street, including the principal entrance streets of residential developments and the principal circulating streets within such a development.

6. Commission: Shall be the Cokeville Planning and Zoning Commission.
7. Council; Shall be the Cokeville Town Council.
8. County: Shall be Lincoln County.
9. Cul-De-Sac: A minor street having one open end and being permanently terminated at the other by a vehicular turnaround.
10. Dedication: A grant by the owner, of a right to use land for public purposes. This involves a transfer of property rights and or acceptance of the dedicated property by the appropriate public agency.
11. Easement: A grant by a property owner of the specific use of land by owners.
12. Encumbrance: Any legal hindrance upon a parcel of land.
13. Engineering Plan: A set of plans and specifications prepared by a registered engineer, showing in detail all data required in Chapter
14. Final Flat: A Surveyor's plat of a proposed subdivision as described in Chapter 6.
15. Land Improvements: Sewer and water systems, including all appurtenances thereof, curb, paving, street lights, sidewalks, street signs, seeding and tree plantings required under this Ordinance.
16. Lot: A portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
17. Marginal Street: A minor street which is parallel to and adjacent to, or in the immediate vicinity of an arterial street and which has for its purpose the relief of such thoroughfares from the local service of abutting properties.
18. Minor Street: A street of limited continuity used primarily for access to abutting properties and the local needs of the neighborhood.
19. Official Plan: The composite of the functional and geographical elements of the official plan or any segment thereof, in the form of plans, maps, charts, and textual material, as adopted by the Town.
20. Owner: Any individual, Firm, association, partnership, corporation, trust, or any other legal entity having sufficient proprietary Interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.
21. Pedestrian Way (crosswalk): A right-of-way across a block or providing access within a block, to be used primarily by pedestrians.
22. Person: Any individual, firm, association, partnership, corporation, trust, or any other legal entity.

23. Preliminary Plat: A tentative map or plan of a proposed subdivision as described in Chapter 5.
24. Protective Covenants: Contracts entered into between private parties which constitute a restriction on the use of all private property within a subdivision for the benefit of property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
25. Re-Plat: The changing of an existing lot or lots of any subdivision plat previously recorded with the County Clerk and Recorder.
26. Right-of-Way: That portion of land dedicated to public use for roadway and utility purposes.
27. Sell: Includes sale, contract for sale, lease, assignment, action or award by lottery or any offer to do any of the foregoing concerning a subdivision or any part of a subdivision.
28. Sketch Plan: A. concept of proposed development presented in map form.
29. Street (avenue, highway, road, boulevard, land, court, drive, parkway, place, terrace): A right-of-way which affords means of access by pedestrians and vehicles to abutting properties.
30. Subdivider: Any person commencing proceedings under this Ordinance for himself or for another.
31. Subdivision: A described tract of and which is to be or has been subdivided into two (2) or more lots or parcels, separate interests or interest in common for the purpose of transfer of ownership or building development, or, if a new street is involved, any division or parcel of land. Also included within the definition is any parcel of and used for condominiums. Unless the method of disposition is adopted for the purpose of evading this article, the term subdivision shall not apply to any division of land:
- (a) which creates cemetery lots;
 - (b) which is created by order of any court in this state or by operation of laws or which could be created by any court in this state pursuant to the law of eminent domain;
 - (c) which is created by lien, mortgage, deed of trust, or any other security instrument;
 - (d) which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity; and
 - (e) which creates an interest in oil, gas, minerals, or water which is severed from the surface ownership of real property.

TITLE IX

SUBDIVISIONS

Chapter 4 Pre-Application - Sketch Plan

9-401. SUBMISSION. The applicant shall submit the sketch plan along with the application for approval.

9-402. REQUIREMENTS. The sketch plan shall be in the following form and contain the following information:

- (1) A map at a scale of 1 inch equals 100 feet or 1-inch equals 50 feet illustrating the location of the subdivision, ownership boundaries, scale and north arrow.
- (2) Topographic contours from available data such as U.S.G.S. maps.
- (3) Proposed lot, street, park and open space layout indicating general dimensions of lots.
- (4) Significant natural and manmade features on the site and contiguous to the site.
- (5) Existing easements on proposed site.
- (6) Acreage of the total development area.
- (7) A map illustrating soil types and their boundaries, as shown on soil survey maps prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service, and also a table of interpretations for the soils types prepared by the Natural Resources Conservation Service.
- (8) Uses on surrounding properties.
- (9) Names of surrounding property owners as listed in the Lincoln County Assessor's Office.
- (10) Proposed uses and time frame for development.

9-403. REFUND TO SUBDIVIDERS FOR EXTENTION OF TOWN MAINS, STREETS, AND UTILITIES.

Refunds to the Subdivider for extension of water, sewer, storm sewer mains, town streets and utilities as provided for in Section 9-402(d) of the Revised Ordinances of Cokeville, or as directed by the Town Council, shall be made as follows:

- (a) Refunds shall only be made on connections and extensions outside of a subdivision.

(b) The Town will determine the cost per foot of the extension. In determining the cost per foot of the extension, the total cost of extending the main line, street, or utility (including engineering and construction cost) will be divided by the total front footage of the property bordering on the extension. If, after the cost per foot has been computed and the cost figures have been filed with the Town, a new road intersects the extension, the cost per foot will remain the same as originally computed.

(c) The Town will maintain accurate cost records and establish a ledger sheet for each extension.

(d) When property located adjacent to the water, sewer, and storm sewer mains, and other Town streets and utilities is developed and the owner desires to connect to said line extensions, streets, and utilities, the owner of that property shall, before connecting to or using said mains, streets or utilities, pay the Town the regular connection fee as provided by Sections 8-107 and 8-211 of the Revised Ordinances of Cokeville, plus an additional fee based on the number of proposed units in the development and determined by the Town Engineer after reviewing the ultimate design population and cost of the project. The Town Engineer may consider the ultimate design capacity, the potential number of units in both the original property and the proposed development, the total actual costs of the extension of main lines, streets and utilities, and any other factors in making his determination.

(e) When property located not adjacent to the water, sewer, and storm sewer mains, and other Town streets and utilities is developed and the owner desires to connect to said line extensions, streets, and utilities, the owner of that property shall, before connecting to or using said mains, streets or utilities, pay the Town the regular connection fee as provided by Sections 8-107 and 8-211 of the Revised Ordinances of Cokeville, plus an additional fee based on the number of proposed units in the development and determined by the Town Engineer after reviewing the ultimate design population and cost of the project. The Town Engineer may consider the ultimate design capacity, the potential number of units in both the original property and the proposed development, the total actual costs of the extension of main lines, streets and utilities, and any other factors in making his determination.

(f) The regular connection fee will be retained by the Town.

(g) The additional amount will be refunded to the original Subdivider or other agent as he may direct.

(h) In the event that only one side of the street can be developed, the cost will be the same as provided in Section (d).

(i) Reimbursements for the extensions shall extend for a period of ten years from the date of completion of the main line, street, or utility, after which no further reimbursement shall be made to the Subdivider. After ten years, no further refunds shall be made to the Subdivider, nor shall the reimbursement include interest or be for a greater sum than the initial cost of the extensions. The date of completion shall be the date the Subdivider submits to the Town the total cost for the extension, and certifies to the Town that the costs submitted are the total actual costs of said extensions.

(j) If a particular situation does not fit into the above policy, the Town Council shall make such agreements as necessary to satisfy the intent of this policy.

TITLE IX

SUBDIVISIONS

Chapter 5 Preliminary Plat

9-501. SUBMISSION. The applicant shall submit the preliminary plat and proposed plan of the subdivision with every application for permit.

9-502. REQUIREMENTS. The plat and plan shall include the following information and documents:

- (a) Description. In a title block located in the lower right-hand corner of the sheet appear the following:
 - (1) The label "Preliminary Plat".
 - (2) The proposed name of the subdivision.
 - (3) The location map of the subdivision including the address and the section, township and range, adjacent subdivisions, tracts, roads, streets and other pertinent information.
 - (4) The names and addresses of the owner, subdivider, if other than the owners, and the surveyor or planner of the subdivision.
 - (5) Date of preparation, scale (1"=100' or 1"=50') and north arrow.
- (b) Existing conditions. The plat shall show:
 - (1) Existing contours at 2-foot intervals, except for very steep terrain, which shall be at 5-foot intervals.
 - (2) Location and extent of all significant natural features such as wooded areas, streams, bodies of water, wetlands, and rock outcroppings.
 - (3) The location of the nearest horizontal and vertical control monuments.
 - (4) The boundary of the proposed subdivision and the acreage included.
 - (5) Location map, drawn to a scale of not less than one inch (1") equals one hundred feet (100'), showing boundary lines of adjoining unsubdivided or subdivided land within an area bounded by nearest arterial streets or other natural boundaries identifying type of use and ownership of surrounding property and showing alignments of existing streets.

- (6) Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplotted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing master street plans or other Planning and Zoning Commission studies.
 - (7) The location, width, and names of all existing streets within two hundred feet (200') of the subdivision and of all prior platted streets or other public ways, utility rights-of-way, or easements, parks, and other public open spaces, permanent buildings and structures, houses, or permanent easements and section and incorporation lines within and adjacent to the tract.
 - (8) The location of all wells, proposed, active or abandoned, and all reservoirs within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries.
 - (9) Existing sewers, water mains, culverts, or other underground facilities within the tract and to a distance of at least one hundred feet (100') beyond the tract boundaries indicating pipe sizes, grades, manholes, and exact locations.
 - (10) Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.
 - (11) Boundary -lines of adjacent tracts of unsubdivided land, showing ownership where possible.
 - (12) High water levels, where known, of all water courses, if any, shall be indicated in the same datum for contour elevations.
- (c) Planning. Included in the preliminary plat of the proposed subdivision shall be:
- (1) Finished contours at 2-foot intervals except for very steep terrain, then they shall be 5-foot intervals.
 - (2) Blocks shall be numbered.
 - (3) A summary of the total number of acres of land, number of lots, acreage of open space, amount of land in rights-of-way and other descriptive material useful in reviewing the proposed subdivision.
 - (4) A statement describing the development and maintenance responsibility for any private streets, ways, or open spaces.
 - (5) A description of any proposed staging of the development.
 - (6) An application for appropriate zoning for any areas not zoned for the use intended.

- (7) The layout of streets, curbs, gutters and sidewalks, showing location, widths and other dimensions of (designated by actual or proposed) streets, crosswalks, and easements.
 - (8) The layout, numbers, and dimensions of lots.
 - (9) Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.
 - (10) Easements for all utilities, drainage, and other purposes.
 - (11) A tentative plan or method by which the subdivider proposes to handle storm water drainage for the subdivision.
 - (12) A tentative plan or method by which the subdivider proposes to satisfy water supply and sewage disposal requirements.
 - (13) A tentative plan to adequately prevent siltation of streams during development.
 - (14) A tentative plan to provide fire hydrants.
 - (15) A tentative plan to provide street lighting.
 - (16) Where necessary, copies of any agreements with adjacent property owners, relevant to the proposed subdivision shall be presented to the Planning and Zoning Commission.
- (d) Improvements. All subdivisions must provide for the following improvements and comply with the following standards:
- (1) Streets:
 - (i) The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) insofar as such may be deemed necessary by the Planning and Zoning Commission for public requirements. The street arrangement must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it.
 - (ii) Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees.
 - (iii) Occasionally it is to the best interest of adjacent landowners that a street right-of-way be centered on a property line. In such instances the dedication of a half-street may be appropriate. The adjacent landowner must dedicate the other half of the street when his land is subdivided.

- (iv) The arrangement of streets in a new subdivision should make provisions for the continuation of streets to adjoining areas.
- (v) Provisions shall be included to ensure the proper naming of streets.
- (vi) Local residential streets shall be designed to minimize through traffic and maintenance problems for the Town.
- (vii) Cul-de-sacs shall be no longer than 600 feet to the end of the pavement. The turnaround should have a radius of not less than 36 feet and a right-of-way radius of not less than 60 feet.
- (viii) Platting shall be done so that local streets and driveways access as infrequently as possible directly onto major streets.
- (ix) No more than two streets shall intersect at one point.
- (x) Access to private property shall be a minimum of 75 feet from the intersecting right-of-way lines of two arterial or collector streets and 60 feet from the intersecting right-of-way lines of two local (minor) streets.
- (xi) Alleys shall be provided in commercial and industrial district unless definite provisions are made for access by service vehicles.
- (xii) Standard street sections. All proposed streets, whether public or private, shall conform to standards adopted by the Town Council.
- (xiii) All public and private access rights-of-way shall be graded and surfaced in accordance with the standards as set forth by the Town Engineer.
- (xiv) Curbs, gutters, and sidewalks shall be constructed to Town standards and specifications.
- (xv) Dead end streets shall be prohibited except where they are necessary to provide future access to adjacent undeveloped property. In that event, temporary turn arounds may be required on the dead-end street until the adjacent property is developed and the street is extended.
- (xvi) Streets shall be laid out to intersect at right angles whenever possible.

(2) Lots:

- (i) The lot arrangements and design shall be such that lots will provide satisfactory and desirable sites for building and be properly related to topography and to existing and probable future requirements.
- (ii) Each lot shall abut on a public street, private street, or private access right-of-way, dedicated street, or on a street which has become public by right of use.

- (iii) All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots rather than be allowed to remain as unusable parcels.
- (iv) No standards are given for lots in subdivisions for multi-family, planned unit development, mobile home, commercial or industrial purpose. Subdivision plans for such land uses shall be submitted to show land usage, proposed structures, vehicular and pedestrian circulation, parking, public uses, if any, landscaping and dedicated open spaces, and the plan shall include all necessary drawings to demonstrate the character and physical relationships of all proposed development within the subdivision to adjacent land uses and circulation systems.
- (v) The Planning and Zoning Commission may require that easements for drainage through an adjoining property be provided by the subdivider and easements of not less than fifteen (15) feet in width for water, sewer, drainage, power lines, and other utilities shall be provided in the subdivision when required by the Council.
- (vi) Blocks in residential subdivision shall be not less than 200 feet and not more than 600 feet in length.
- (vii) In a residential subdivision, the block width shall normally be sufficient to allow for two tiers of lots. Blocks for commercial or industrial development should be of sufficient width and depth.
- (viii) Corner lots for residential use shall have extra width as determined by the Town of Cokeville Zoning Ordinance to allow for proper setback from both streets.
- (ix) Side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- (x) Out lots, normally larger in size than a typical lot in the subdivision, may be set aside for a special purpose such as drainage, ponding or public park use.
- (xi) Utility easements shall be at least 15 feet in width, centered on side or rear lot lines, and required by the Town Council, not the Planning and Zoning Commission.
- (xii) Park land dedication shall be 10 percent of the total area being subdivided when the residential density is 0-4 dwelling units per acre, 15 percent when the density is 5-8 dwelling units per acre, and 20 percent when the residential density is 9 or more dwelling units per acre. Cash in lieu of land arrangement shall be allowed at the rate of \$200 per dwelling unit. The decision of whether to accept land or cash shall be made by the Town Council upon the recommendation of the Planning and Zoning Commission. The price of such land shall be established and agreed upon by the Town and the subdivider prior

to acceptance of 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 three (3) independent appraisers mutually acceptable to the subdivider and the Town. Such payments shall be used only for the acquisition or development of parks, playgrounds, or other similar public purposes.

(3) Water supplies:

- (i) All subdivisions will be required to connect to the Town water system.
- (ii) The subdivider will be required to construct a water distribution system in the subdivision that will connect to the Town's existing water system with water connections being provided at each lot line, such construction to meet or exceed Town standards.
- (iii) The subdivider shall convey to the Town all water rights appurtenant to the subdivided land.
- (iv) The Town Council shall have the option of assessing a proportionate share of any necessary improvements to water supply facilities necessary to provide water to the subdivision.
- (v) All public water lines shall be placed within the public rights-of-way or within easements obtained for that purpose.

(4) Sewage Disposal:

- (i) All subdivisions will be required to connect to the Town's sanitary sewage system. The subdivider will be required also to construct the necessary collection facilities with connections to each lot line in the subdivision.
- (ii) The Town Council shall have the option of assessing a proportionate share of the cost necessary to upgrade the treatment and collection facilities in order to handle adequately the sewage of the proposed subdivision.

(5) Storm Water:

- (i) The Commission may require the subdivider to dispose of storm water if such provision is deemed necessary. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.
- (ii) The Council may require that storm water be ponded temporarily on the subdivider's land. The location of such ponding, its capacity, and its rate of release may be determined by Council upon the recommendation of the Town Engineer.

(6) Fire Hydrants: Type, size, and location of fire hydrants shall be made by the Town Council upon the recommendation of the Planning and Zoning Commission.

- (7) Protection Strips: Where subdivision streets parallel contiguous property of other owners, the subdivider may, upon the recommendation of the Planning and Zoning Commission and approval of the Town Council, retain a protection strip not less than one foot in width between the street and adjacent property, provided that an agreement, approved by the Town Attorney, has been made by the subdivider, contracting to deed to the owners of the contiguous property, the one foot or larger protection strip for a consideration named in the agreement, such consideration to be not more than the fair cost of land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one half (1/2) of the land in the street at the time of agreement together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the Town Attorney to the Commission prior to approval of the final plat. Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use.
- (8) Public Lighting: Public lighting shall be installed according to standards of the Town Engineer and the public utility providing the electrical power.
- (9) Utilities:
 - (i) All utilities shall be located underground.
 - (ii) All public utilities shall be located within public rights-of-way or public easements for this purpose.

TITLE IX

SUBDIVISIONS

Chapter 6 Final Plat

9-601. PREPARATION. The Final Plat must be prepared by a land surveyor registered in the State of Wyoming. The plat must be prepared in accordance with Wyoming State Statute Section W.S 33-29-139, as amended, with north to the top.

9-602. REQUIREMENTS.

(a) Description and delineation. The final plat shall contain the following:

- (1) The name of the subdivision (which name must be approved by the Commission) and the location of the subdivision in a title block at the lower right-hand corner. The scale shall not be less than one hundred feet (100') to the inch.
- (2) Accurate angular and lineal dimensions for all lines, angles, and curves used to described boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.
- (3) An identification system for all lot and blocks and names of streets. Lot lines shall show dimensions in feet and hundredths. All lots to be numbered consecutively in accordance with Wyoming State Statutes W.S. 33-29-101 through 33-29-110, as amended.
- (4) Perimeter subdivision lines shall be accurately related by distance and bearings to established roads or street lines, quarter-section corners, and closure shall be one-foot (1') in ten thousand (10,000) feet.
- (5) True angles and distances to the nearest established street lines or official monuments, which shall be accurately described in the plat and shown by appropriate symbol.
- (6) Radii, internal angles, points of curvatures, tangent bearings and the lengths of all arcs.
- (7) The accurate location of all monuments shown by the appropriate symbol. All United States, state, county, or other official bench marks, monuments, or triangulation stations in or adjacent to the property shall be preserved in precise position.
- (8) Each lot corner shall be monumented with permanent markers. Description of all monuments found or set are to be shown upon plat either by legend or separate description.

- (9) Accurate outlines and legal descriptions on any areas to be dedicated or reserved for public use, with the purpose indicated thereon and of any area to be reserved by deed or covenant for common use of all property owners.
 - (10) Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvements and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the Town Attorney.
 - (11) The sheet size shall be 24"x36" with a 1½" margin on the left side. Each sheet should be numbered and the total number of sheets indicated.
 - (12) North arrow, graphic scale, and date should be included.
 - (13) Boundary lines of the subdivision in a heavy solid line shall be included.
 - (14) Names of all streets shall be included.
 - (15) All dimensions on irregularly sloped parcels shall be included.
 - (16) Parcels completely or partially surrounded by the area being subdivided shall be marked "Excepted", and the common boundary with the subdivision shall be shown in a heavy solid line with bearings and distances.
- (b) Certificates and forms. The following shall be submitted:
- (1) Description of land to be included in subdivision to be described in Certificate of Surveyor of "Certificate of Owner".
 - (2) Certificate of Surveyor signed by a Land Surveyor registered under the laws of the State of Wyoming.
 - (3) Certificate of Owner in accordance with Wyoming State Statutes W.S. 33-29-101 through 33-29-110, as amended, and including dedication to the Town of streets, water system, and sewer system.
 - (4) Acknowledgement of Certificate of Surveyor and Certificate of Owner.
 - (5) Transfer of water rights to Town in form approved by the Town Attorney.
 - (6) Certificate of Approval of the Town of Cokeville and Lincoln County if property is outside of Town limits. See Wyoming State Statutes W.S. 33-29-101 through 33-29-110, as amended.
- (c) Engineering Plans. Included with the final plat shall be the final engineering plans for the following:
- (1) Streets, curbs, gutters, and sidewalks.
 - (2) Water system.

- (3) Sanitary sewer system.
- (4) Storm sewer system.
- (5) Street lighting.
- (6) Two copies of the final subdivision grade contour map.
- (7) A certificate of review by the Town Engineer which shall be received by the Town Clerk no later than thirty (30) days from receipt of all materials.
- (d) Other documents.
 - (1) An appropriate instrument granting the right of access across another's property if such is required.
 - (2) When applicable, a warranty deed conveying to the Town any public lands other than streets, alleys, or easements shown on the Final Plat, and title insurance on the subject parcel.
 - (3) Payment of fees in lieu of public land dedication, or any initial payment and a payment schedule keyed to subdivision development.
 - (4) Evidence satisfactory to the Town Council that the subdivided land is free of all encumbrances.
 - (5) Copies of easements on adjoining land when needed for utilities.
 - (6) A State of Wyoming Department of Health and Environmental Quality permit for any subdivision proposing ten (10) or more water or sewer hook-ups.
 - (7) A notarized certificate signed by all parties having any titled interest in or lien upon the land, consenting to the recording of the plat and dedicating public ways, grounds, and easements.
 - (8) A certificate of accuracy by a registered land surveyor or civil engineer in the State of Wyoming.
 - (9) A certificate of approval by the Planning and Zoning Commission.
 - (10) A certificate of acceptance and approval by the Town Council of the Town of Cokeville.
 - (11) A certificate for recording by the County Clerk and County Recorder.
- (e) Executed Agreement. Attached to the final plat shall be an executed agreement whereby the subdivider agrees to reimburse the Town of Cokeville for the actual cost of repairs to public facilities for one (1) year from the date of acceptance of the final plat or the completion of improvements, whichever is later. The Town Council at its option may require a surety or cash bond, a letter of credit or other collateral as guarantee of agreement.

- (f) Guarantee on Improvements. After the Town Council has approved the final plat, the subdivider shall be notified by the Town Clerk. Final approval and signature by the Mayor shall be contingent upon the receipt by the Town of a guarantee by the subdivider to the Town for the completion of all land improvements yet remaining to be installed. The guarantee shall be in one of the following described forms:
- (1) Deposit with the Town a subdivider's bond in the amount of the estimated cost of the land improvements; said bond need never exceed one and one half ($1\frac{1}{2}$) times the estimated cost of the improvements remaining to be completed.
 - (2) Deposit with the Town cash in the amount of the estimated cost of land improvements; said amount of cash need never exceed one and one half ($1\frac{1}{2}$) times the estimated cost of the improvements remaining to be completed.
 - (3) Deposit with the Town a lien to be recorded in the County Clerk's office on all property being subdivided, with the provision that partial releases may be obtained when the loaning company executes with the Town an agreement to withhold one and one half ($1\frac{1}{2}$) times the estimated cost of the land improvements yet remaining to be installed, in escrow, until such time as all land improvements have been completed and accepted by the Town. All expenses incurred in determining the amounts apportioned against said land and the cost of releasing each lot or tract shall be paid by the subdivider.
 - (4) Deposit with the Town other collateral equivalent to one and one half ($1\frac{1}{2}$) times the estimated cost of the land improvements yet remaining to be installed, such collateral to be approved by the Town Council. Upon completion of the improvements, the subdivider shall call for inspection by the Town Engineer. Inspection shall be made within five (5) days from the date of request. If inspection shows that Town standards have been met in the completion of such improvements, the security shall be released within seven (7) days from the time of inspection. If the security provided by the subdivider is not released, refusal to release and the reasons therefore shall be given the subdivider in writing within seven (7) days of the time of inspection.
- (g) Occupancy permits. Occupancy permits will not be granted until all public improvements have been installed and approved. Occupancy Permits are a part of the building permit procedure. The Town Council may, at their discretion, waive completion of specific improvements if weather conditions do not allow for completion of required improvements.

TITLE IX

SUBDIVISIONS

Chapter 7

Administrative Procedures

9-701. VARIANCE.

(a) Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of the Subdivision Regulations would result in extraordinary hardships to the subdivider because of unusual topography, or other such not self-inflicted condition, or that these conditions would result in inhibiting the achievement of the objectives of these regulations, the Town Council may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these Regulations and the Cokeville Master Plan. In no case shall any variance, modification, or waiver be more than a minimum easing of the requirements.

(b) In granting such variances, modifications, and waivers, the Town Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so affected.

9-702. FEES. Any and all persons filing plats with the Town Clerk shall first have all fees paid herein before required. In addition, persons filing plats shall pay to the Town Clerk, prior to approval, an administrative fee to the following schedule:

Each application for a subdivision permit shall be accompanied by a fee to be determined by the Town Council. The fee shall be the greater of one hundred dollars (\$100.00) or ten dollars (\$10.00) per lot up to a maximum fee of one thousand dollars (\$1,000.00). All fees collected shall be credited to the Town general fund.

9-703. APPLICATION FOR VARIANCES.

(a) Application for variances shall be filed by the subdivider or his authorized agent upon forms provided by the Planning and Zoning Commission. The application shall set forth and state fully the reasons and grounds for the variance, and shall contain such information as the Planning and Zoning Commission shall prescribe. Accompanying the application shall be the following:

- (1) A map showing the property described in the application and adjoining properties and public streets and ways within a radius of three hundred (300) feet of the exterior boundaries.
- (2) A list of all property owners whose names and addresses appear on the latest adopted tax roll as owning property within a distance of three hundred (300) feet of the exterior boundaries.

- (3) Photographs, drawings, and other supporting documents as may be required by the Planning and Zoning Commission.

(b) Filing Fee. Before accepting an application for a variance, the Planning and Zoning Commission shall charge and collect a filing fee. Such fee shall be established by a resolution of the Town Council.

9-704. PLANNING AND ZONING COMMISSION ACTION. The Planning and Zoning Commission shall hold a public hearing on the application for a variance. Written notices concerning the hearings on applications for variances shall be mailed to the owners of the property within a distance of three hundred (300) feet of the exterior boundaries, no less than fifteen (15) days before the date of the public hearing. Said notice shall set forth the person requesting the variance, the intent of the variance, the legal description of the property, the street address, if applicable, any other pertinent information, and the date, time and place of the public hearing.

9-705. PLANNING AND ZONING COMMISSION RECCOMENDATION. Following the public hearing, the Planning and Zoning Commission shall make a recommendation to the Town Council, recommending either that the variance be granted or that it be denied. Such recommendation shall be adopted by an affirmative vote of not less than a majority of the members attending and voting at a meeting of the Planning and Zoning Commission at which there is a majority present.

9-706. TOWN COUNCIL ACTION. Upon receipt of the recommendation of the Planning and Zoning Commission, the Town Council shall grant or deny the variance, in whole or in part. Such action or decision of the Town Council shall be by majority vote.

9-707. REVOCATION OF VARIANCES.

(a) A variance may be revoked or modified by the Town Council after a public hearing on any one or more of the following grounds:

- (1) That approval was obtained by fraud.
- (2) That the use for which such approval was granted has ceased to exist, or has been suspended for one (1) year or more.
- (3) That the use of which such approval was granted is not being within the time specified in such permit.
- (4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, law or regulation.
- (5) The use for which the approval, was granted has been so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

(b) Written notice of the intent to revoke shall be mailed to the owners of the property, the occupants of the property, and the **subdivider** not less than fifteen (15) days before the date of the public hearing.

9-708. INSPECTION. Appropriate agencies and departments of the Town shall inspect or cause to be inspected all streets, curbs, gutters, sidewalks, fire hydrants, water supply and sewage disposal system, and buildings incidental thereto, in the course of construction, installation or repair. Excavation for fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the Town Engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the Town Engineer.

9-709. PERMITS. From the time after the effective date of this Ordinance, the Town shall not grant any permits, nor shall any Town officer grant any license or permit for the use of any land or the construction or alterations of any building, structure or fence on any lot which would be in violation of any provisions of this Ordinance, until a subdivision plat therefore has been recorded or approved as herein required. Any license or permit issued in conflict with such provision shall be void.

9-710. VACATION OF A RECORDED PLAT OR PUBLIC RIGHTS-OF-WAY.

(a) The landowner(s) may make application to the Planning and Zoning Commission to vacate any plat of record or public right-of-way under the following conditions:

(1) Vacation will not interfere with development nor deny access via public thoroughfare to the adjoining properties or utility services and other improvements.

(2) Extension of utility services is not feasible for immediate development or development in the near future.

(3) The landowner shall submit an application to the Planning and Zoning Commission describing the property to be vacated.

(b) The Planning and Zoning Commission shall review the vacation request and forward its recommendation to the Town Council. The Town Council shall review the request at a regularly scheduled public meeting and deny or approve the vacation. All adjacent landowners of record in the County Assessor's office, which are contiguous to the property, shall be notified of the time and place of the hearing.

9-711. APPEALS.

(a) Any subdivider aggrieved by the action of any board or administrative person of the Town of Cokeville in carrying out any provision of this Subdivision Ordinance, may, if he so desires, file with the Town Council a written request for hearing the same, setting forth the reasons for which he feels the ordinance has been unjustly enforced, within thirty (30) days of the act or acts alleged to be unjust and in error, and within sixty (60) days of receipt of said request the Town Council shall hold a public hearing to determine the proper application of the regulations in question.

9-712. PRIOR REGULATIONS. All subdivision regulations effective prior to the date of adoption of these regulations are hereby repealed.

9-713. VALIDITY.

(a) If any provision of these regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and

(2) Such decision shall not affect, impair, or nullify these regulations as a whole or any other part thereof, but the rest of these regulations shall continue in full force and effect.

(b) If the application of any provision of these regulations to any tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

(1) The effect of such decision shall be limited to that tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of invalidity was rendered; and

(2) Such decision shall not affect, impair, or nullify these regulations as a whole or the application of any provision thereof to any other tract of land.

9-714. AMENDMENTS OR ADDITIONS. After study and recommendation by the Commission and upon public hearing, regulations may be amended and sections added hereto by the Commission and the Town Council.

9-715. ENFORCEMENT AND PENALTIES FOR VIOLATIONS.

(a) Town law enforcement officers, the Town Attorney, and such other duly authorized enforcement officials are hereby empowered to enforce the provisions of this Title.

(b) Whoever, being the owner, or agent of the owner, of any land or development qualifying as a subdivision, subdivides or uses any land in violation of this Title, or any amendments of the Title, shall be fined a dollar amount in accordance with Ordinance 1-108 for each offense. Each day's continuance of such violation is a separate offense. This Title shall be enforceable by the Town in addition to the other remedies provided by law, by injunction, mandamus, or abatement. A violation shall not be construed to include a subdivision in existence at the time this Title takes effect, and it shall not be necessary to secure a permit permitting such continuance; provided, however, that the addition to any existing subdivision shall be in conformity with the provisions hereof.

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TITLE X

ZONING

Chapter 1

Title and Authority

10-101. TITLE. An Ordinance to regulate by districts or zones the location, height, and bulk of buildings and other structures; the percentage of a lot which may be occupied, the size of courts, lots and other open space; the density and distribution of residential, commercial, and recreation or other uses and purposes; and repealing all ordinances or parts of ordinances in conflict herewith. Be it ordained by the Cokeville Town Council, Cokeville, Wyoming.

10-102. SHORT TITLE. This Ordinance shall be known as the Zoning Ordinance of Cokeville, Wyoming, and may be so cited and pleaded.

10-103. AUTHORITY. Be it ordained by the governing body of Cokeville, Wyoming, pursuant to the authority conferred by the provisions of W.S. 15-1-601 through 15-1-611, as amended.

10-104. JURISDICTION: The territorial jurisdiction of these regulations shall include all of the incorporated land located within the Town of Cokeville, Wyoming.

TITLE X

Chapter 2

Purpose, Interpretation and Conflict

10-201. **PURPOSE.** This Ordinance is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Cokeville, Wyoming, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land and distribution of land development and utilization, protection of the tax base, securing economic growth, and the protection of both residential and non-residential development.

10-202. **INTERPRETATION.** In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

10-203. **CONFLICT.** This Ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive.

10-204. **STANDARDS OF CONSTRUCTION.** The standards of construction for any new or remodeled building within the Town of Cokeville shall comply with the requirements of Ordinance 5-623.

TITLE X

ZONING

Chapter 3

Definitions

10-301. DEFINITIONS. For the purpose of this Ordinance, certain words, terms, and phrases shall be defined to have the same meaning as set forth in this Section. Where apparently inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural and the plural the singular. The word “shall” is always mandatory and not directory. The word “may” is permissive

1. Accessory building and use. A subordinate use of a building, other structure or tract of land, or a subordinate building or other structure which:
 - (a) Is clearly incidental and customary to and commonly associated with the operation of the Permitted Use.
 - (b) Is operated under the same ownership and on the same Zone Lot as the Permitted Use.
 - (c) Does not include structures or structural features inconsistent with the Permitted Use.
2. Agriculture: The tilling of the soil, the raising of crops, horticulture, gardening, ranching, and the keeping or raising of domestic animals and fowl excepting household pets. Agricultural land shall include buildings and structures required for agricultural purposes.
3. Alley: A minor way, dedicated to the public, used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
4. Automobile Reduction Yard: A lot, land or structure, or part thereof used primarily for the collecting, storage, dismantling, salvaging and sale of machinery or vehicle not in running condition, or for the sale of parts thereof.
5. Automobile Service Station: A retail establishment engaged in the sale of automobile fuels, motor oil or other automobile accessories, and providing incidental services including lubrication, hand washing and cleaning, or minor mechanical work and repair. Specifically excluded from this definition are painting, body work and the sale of butane and propane fuels.
6. Auto Washing Establishment: A building which has its primary purpose as washing automobiles. Such facilities shall be considered incidental to automobile service stations if no more than one auto may be washed at one time and if the service station is clearly the principal use.
7. Building: Any structure having enclosed space and a roof for the housing and/or enclosure of persons, animals or chattels.

8. **Building Height:** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the height at the ridge of a gable, hip or gambrel roof.
9. **Building Permit:** A written warrant or license granting a land owner approval for proposed construction, reconstruction, or alteration of buildings, structures or fences.
10. **Conditional Use:** A use which would not impair the public health, safety or welfare in one or more zones, but would impair the integrity and character of the zone in which it is located or in adjoining zones, unless restrictions on location, size, extent and character of performance are imposed in the zoning regulations.
11. **Convenience Food Restaurant:** An establishment whose principal business is the sale of food, frozen, desserts, or beverages to the consumer in a ready to eat state for consumption either within the premises, or for carry-out with consumption either on or off the premises, and whose design or principal method of operation includes both of the following characteristics:
 - (a) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
 - (b) The customer is not served food at his/her table by an employee but receives it at a counter, window, or similar facility for carrying to another location for consumption either on or off the premises.
12. **District:** A land area shown or described in the official zoning map for the Town of Cokeville, Wyoming, to which uniform regulations apply.
13. **Dwelling:** A building or portion thereof, used primarily for residential occupancy, including one-family, two-family, and multiple dwellings, but not including hotels, motels, or tourist homes. In the event a garage is permanently attached to a dwelling as defined in Section 10-301 herein, it shall be included as part of the main building. A garage attached to a dwelling shall not be considered a separate building or deemed to be an accessory building in determining set back requirements, but shall be deemed to be part of the dwelling. The setback requirements applicable for the dwelling which the garage is attached shall govern.
14. **Dwelling, One-Family:** A building used for residential occupancy by one family.
15. **Dwelling, Two-Family:** A building or portion thereof used for occupancy by two families living independently of each other.
16. **Dwelling Unit:** A living area within a building arranged, intended, or designed to be occupied by one (1) family.
17. **Family:** One or more persons related by blood, marriage or adoption, occupying a dwelling unit and living as a single housekeeping unit, as distinguished from renters, roomers or as a group occupying a hotel or motel as herein defined.
18. **Floodway:** The area through which the main body of flood water flows.

19. Floodway Fringe Area: The area immediately adjacent to the floodway, characterized by a large volume of water moving slower than the main floodway, often dry until subject to flooding.
20. Floor Area: The total horizontal living area of a building measured on the outside walls of each story.
21. Garage: An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is an accessory. In the event a garage is permanently attached to a dwelling as defined in Section 10-301 herein, it shall be included as part of the main building. A garage attached to a dwelling shall not be considered a separate building or deemed to be an accessory building in determining setback requirements, but shall be deemed to be part of the dwelling. The setback requirements applicable for the dwelling to which the garage is attached shall govern.
22. Grade: Grade (ground level) is the average of the finished ground level at the center of all walls of a building. For buildings adjoining one street only, the elevation of the ground at the center of that wall adjoining the street shall be considered grade. For buildings adjoining more than one street, grade is the average of the elevations of the ground at the centers of all walls adjoining the streets. All walls approximately parallel to and more than five (5) feet (1.52 meters) from a street line are to be considered as adjoining a street.
23. Home Occupation: Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the principal use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no display, nor stock in trade. The home occupation shall not include the sale of commodities except those which are produced on the premises and shall not involve the use of any accessory building or yard space or activity outside the main building, not normally associated with residential use.
24. Hospital: Any building or portion thereof used for the diagnosis, treatment or for the accommodation and medical care of sick, injured or infirm persons and including sanitariums, but not including clinics, rest homes and convalescent homes.
25. Household Pets: Animals ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and song birds (e.g., finches, parakeets, canaries, cockatiels, etc.).
26. Hotels and Motels: Any building or portion thereof containing six or more guest rooms used for occupancy by persons on a temporary basis.
27. Junkyard: Any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of automobile graveyards.
28. Indirect Lighting: A source of illumination which is enclosed in a manner which prevents all unscreened light from being seen.
29. Industrial park: A group of non-nuisance industrial plants on a single parcel of land, or on separate parcels contiguously arranged so as to form a planned development of industrial sites, building or buildings.

30. Industry, Light: Those industries whose processing of products results in none of the following conditions: the emission of any atmospheric pollutant; light flashes or glare; odor; noise; or vibration which may be heard and/or felt off the premises and those industries which constitute a fire or explosion hazard.
31. Repealed 2021. Sept 14, 2021
32. Lot: A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory), together with such yards, open space, lot width and lot area as are required by this Ordinance and having frontage upon a street. Except for group dwellings, not more than one (1) dwelling structure shall occupy any one (1) lot.
33. Lot Area: The total area within the property lines of the lot, excluding adjacent streets.
34. Lot, Corner: A lot, abutting on two intersecting, or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees (135°).
35. Lot, Interior: A lot other than a corner lot.
36. Lot Line, Front: The property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line.
37. Lot Line, Back: The lot line opposite the front lot line.
38. Lot Line, Side: Any lot line other than front lot lines or back lot lines.
39. Lot Width: The distance parallel to the front lot line measured at the front setback line.
40. Manufactured Home: Any factory-built house meeting Uniform Building Code, and in addition, built without undercarriage.
41. Mobile Home: A factory assembled structure or structures, exceeding eight (8) feet (2.44 meters) in width, originally equipped with the necessary service connections, and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without a permanent foundation, whether or not said running gear has been removed.
42. Mobile Home Park: An area designated for and/or occupied by more than two (2) mobile homes or facilities delineated above, on units of space of predesign type, which may be utilized for living purposes, either permanent, seasonal, or both.
43. Office: Any building or portion thereof used for the purpose of conducting business provided there is no storage of merchandise or merchandise offered for sale.
44. Open Space: Unoccupied space within the incorporated limits, set aside for recreation uses.

45. **Parking Space:** Space within a building, lot or parking lot for the parking or storage of one (1) automobile. The parking space shall not be less than 10 ft. x 20 ft. (3.05 meters x 6.10 meters) or two hundred (200) square feet (18.6 sq. meters) in area.
46. **Permitted Uses:** All uses permitted in a district, subject to the same use, density, sign, parking and spatial regulations applicable to that district.
47. **Planning Commission:** The Planning and Zoning Commission of Cokeville, Wyoming.
48. **Porch:** An outside walking area having the floor elevated more than eight (8) inches above grade.
49. **Public Utility Services:** Those facilities of a municipality, special district or utility company supplying electricity, telephones, natural gas, water, sewage disposal, or similar public services.
50. **Restaurant:** Any restaurant (except a convenience food restaurant as defined in this Section), coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, drugstore, and soda fountain serving food, and all other eating or drinking establishments provided that at least one-half of total sales are derived from the sale of food.
51. **Setback:** The minimum horizontal distance between a building and the street lot line.
52. **Sign:** Any device used for visual communication to the general public and displayed out-of-doors, including signs painted on exterior walls, interior illuminated signs to be viewed from out-of-doors, but not including any flag, badge, or ensign of any government agency.
53. **Sign, Advertising:** A sign which directs attention to a use, product, commodity, or service not related to the premises.
54. **Sign, Business:** A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises.
55. **Sign, Identification:** A sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises.
56. **Sign, Nameplate:** A sign indicating the name and/or occupations of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.
57. **Sign, Property:** A sign related to the property on which it is located and offering such property for sale or lease, or advertising contemplated improvements or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.
58. **Sign, Public Information:** A sign erected by a public or non-profit agency, service club, etc., giving information to direct the public to both public and private facilities and major uses.

- 59. Sign, Temporary: Temporary signs shall include any sign, banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be used for a short period of time only.
- 60. Site Plan: A drawing to a scale not less than 1-inch equals 50 feet, showing the accurate location of all structures, fences, streets, alleys, and parking areas existing and proposed on subject property or any other information as may be required by this Ordinance.
- 61. Street: A public thoroughfare, the surface of which is at least twenty six (26) feet (7.92 meters) wide, which affords principal means of access to abutting property.
- 62. Structure: Anything constructed or erected which requires a permanent location on the ground or is attached to something having a permanent location on the ground. A fence is defined as a structure for purposes of these ordinances.
- 63. Use, permitted: A use which is lawfully established in a particular district or districts and which conforms with all requirements, regulations and performance standards of such district. A Permitted Use may be a Principal Use or an Accessory Use.
- 64. Variance. A modification or variation of the provisions of this Ordinance as applied to a specific piece of property.
- 65. Wall, retaining: A physical barrier constructed to prevent the erosion and/or deterioration of an established elevation.
- 66. Yard, Front: A yard extending across the full width of the lot, between two side lot lines the depth of which is the least distance between the Street right-of-way and the front building line.
- 67. Yard, Rear: A yard extending across the full width of the lot between the two (2) side lot lines and between the rear building line and the rear lot line.
- 68. Yard, Side: Any yards other than front or rear yards.
- 69. Zone: Same as district.
- 70. Zoning Officer: The duly constituted Town Official designated to administer and enforce this Zoning Ordinance.
- 71. Zoning Map: The official map which describes thereon the several zoning districts to which the regulations set forth in this Ordinance shall apply.

TITLE X

ZONING

Chapter 4 General Provisions

10-401. ESTABLISHMENT OF DISTRICTS. In order to carry out the provisions of this Ordinance, there are hereby created and established In Cokeville, Wyoming the following classifications for zoning districts:

(a)	Agriculture District	A
(b)	Low Density Residential District	R-1
(c)	Medium Density Residential District	R-2
(d)	High Density Residential District	R-3
(e)	Mobile Home Subdivision District	R-4
(f)	Mobile Home Park District	R-5
(g)	Residential Mobile Home and Single-Family District	R-MHL
(h)	Community Commercial District	C-1
(i)	Highway Commercial District	C-2A
(i)a	Highway Commercial District	C-2B
(i)b	Highway Commercial District	C-2C
(i)c	Highway Commercial District	C-2D
(j)	Industrial District	I-1
(k)	Open Space Flood Hazard District	OF
(l)	Residential Animal District	R-A

10-402. ZONING MAP AND BOUNDARIES

(a) The boundaries and zoning classifications of districts hereby established are as shown on the official zoning map for Cokeville, Wyoming, as adopted or amended after public hearing by the Cokeville Town Council. Such maps and all notations, references, data and other information shown thereon are, by reference, hereby made a part of this Ordinance.

(b) The zoning district boundary lines are intended generally to follow the centerline of streets or similar rights-of-way, block or lot lines, all as shown on the zoning map; but where a boundary line does not follow such a line, its position is shown on said zoning map by specific dimension expressing its distance from a street line or other boundary as indicated.

(c) In the case of uncertainty as to the true location of a boundary line the determination thereof shall be made by the Planning and Zoning Commission. An Appeal may be taken to the Cokeville Town Council, as provided in 10-1705.

10-403. APPLICABILITY. Except as hereinafter otherwise provided:

(a) No building or structure or part thereof and no lot or land or part thereof shall hereafter be used, except in conformity with the Use Regulations herein prescribed. Any existing lawful use that does not conform to the Use Regulations of this Ordinance shall be deemed a nonconforming use, except

that uses granted as the result of an approved Conditional Use Permit by the Planning and Zoning Commission pursuant to 10-1603 shall be deemed conforming uses. Use Variances granted by the Cokeville Town Council pursuant to 10-107 shall be deemed non-conforming uses.

(b) No building or structure or part thereof shall hereafter be erected, structurally altered, enlarged or rebuilt except in conformity with the lot dimension, yard coverage, height, and density regulations here prescribed.

(c) Any building or structure that does not conform to such regulation hereinafter referred to as the design standards of this Ordinance shall be deemed a non-conforming structure, irrespective of the use to which it is put. Design variances granted by the Cokeville Town Council pursuant to Section 10-1707 shall be deemed non-conforming structures.

10-404. NON-CONFORMING USES AND BUILDINGS.

(a) Normal maintenance and repairs of a building or other structure containing a non-conforming use are permitted, provided they do not extend the floor area occupied by the nonconforming use.

(b) Repairs and structural alterations may be made to a non-conforming building or to a building housing a non-conforming use subject to approval by the Planning and Zoning Commission.

(c) A building or structure lacking sufficient automobile parking space in connection therewith, as required by this Ordinance, may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alteration or enlargement.

(d) Any lawful use which occupies any building or structure, lot or land at the effective date of this Ordinance, but does not comply with the use regulation of the zone, may be continued until the use is discontinued. If for any reason a non-conforming use of land ceases for a continuous period of more than thirty (30) days, the land shall thereafter not be used except in compliance with the provisions of this Chapter for the district in which the land is located. If for any reason a nonconforming use of a building ceases for a continuous period of more than thirty (30) days, the building shall thereafter not be used except in compliance with the provisions of this Chapter for the district in which the building is located.

(e) The occupancy of a building or structure by a non-conforming use, existing at the time this Ordinance became effective, may be continued.

(f) A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so, occupied within a period of thirty (30) days after the use became non-conforming.

(g) The non-conforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a non-conforming use.

(h) The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of and/or any portion thereof, is abandoned or changed for a period of one hundred eighty (180) days or

more, any future use of such land shall be in conformity with the provisions of this Ordinance.

(i) When a non-conforming mobile home is removed it shall not be replaced by another mobile home unless the non-conforming use was destroyed by fire or natural disaster. Replacement of such nonconforming use shall be within a period of thirty (30) days from the date on which the damaged mobile home was removed. The home owner may appeal to the Town Council for an extension of time, not to exceed 60 days, due to undo hardship in complying with the time frame set forth above. The mobile home which is brought in as a replacement shall meet all requirements set forth by the Town, including being of equal or greater value, as determined the Town Council.

10-405. SEVERABILITY. If any part, section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the Ordinance.

TITLE X

ZONING

Chapter 5

Agricultural District Regulations (A)

10-501. PURPOSE. To preserve appropriate areas of Cokeville, Wyoming for agricultural use. Uses normally and necessarily related to agriculture are permitted.

10-502. PERMITTED USES.

- (a) Single family dwellings and single mobile homes providing residence for those engaged in agriculture.
- (b) Agriculture, farming, ranching, animal husbandry, and their related uses and facilities.
- (c) Public parks and playgrounds.

10-503. CONDITIONAL USES.

- (a) Airports and radio transmitting stations.
- (b) Churches and educational institutions.
- (c) Cemeteries and golf courses.
- (d) Hospitals, clinics, and rest homes.
- (e) Livestock feed yards, chicken coops.
- (f) Public utilities and facilities including sewage and water supply facilities, and a sanitary land fill area.
- (g) Public and commercial recreation areas and facilities.

10-504. ACCESSORY USES.

- (a) Meets the requirements under the definition “Accessory Use” and, in addition;
- (b) Does not include permanent residential occupancy except by owners or person employed on the premises and their immediate families.

10-505. LOT AND YARD REQUIREMENTS.

- (a) Minimum lot area and width:

Minimum lot area 1 acre (.405 hectare)
Minimum lot width 150 feet (45.72 meters)

- (b) Minimum yard:

	<u>Main Building</u>	<u>Accessory Building</u>
Front	40 ft. (12.19 m)	50 ft. (15.24 m)

Side	20 ft. (6.10 m) *	5 ft. (1.52 m) *
Rear	40 ft. (12.19 m) *	5 ft. (1.52 m) *
Corner	40 ft. (12.19 m)	40 ft. (12.19 m)

*Distance increases to 50 feet (15.24 m) in area where livestock are kept.

10-506. MAXIMUM BUILDING HEIGHT.

- (a) Main building: 35 feet (10.67 m).
- (b) Accessory building: 35 feet (10.67 m).

10-507. GENERAL REGULATIONS. Use of land in this district shall also conform to all the requirements of Chapter 16 of this Ordinance.

10-508. SITE PLAN APPROVAL.

- (a) Required for all Permitted Uses.
- (b) Required for all Conditional Uses.

TITLE X

ZONING

Chapter 6

Low Density Residential District (R-1)

10-601. **PURPOSE.** To provide appropriate locations where low-density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment, with proper controls, of churches, schools, libraries, parks and playgrounds. The regulations are intended to prohibit those uses that would be harmful to a low-density residential neighborhood.

10-602. **PERMITTED USES.**

- (a) Single- and two-family dwelling units.
- (b) Home occupations.
- (c) Parks and playgrounds.

10-603. **CONDITIONAL USES.**

- (a) Planned unit development.
- (b) Churches and public libraries.
- (c) Educational institutions.
- (d) Hospitals, clinics, and day care centers.
- (e) Public utilities and facilities.
- (f) Parking lots for permitted and accessory uses.

10-604. **ACCESSORY USES.**

- (a) Meets the requirements under the definition “Accessory Use” and, in addition;
- (b) Does not include residential occupancy.
- (c) If operated wholly or partially within the structure containing the Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty (30) percent of the gross floor area utilized by the Permitted Use.
- (d) If in a separate, detached structure from a Permitted Use, the gross floor area devoted to the Accessory Use shall not exceed the gross floor area of the Permitted Use.

10-605. **LOT AND REQUIREMENTS.**

- (a) All lots shall have Town approved water supply and sewage
- (b) Minimum lot area and width:

Minimum lot area	8,000 sq. ft. (743.22 sq. m)
Minimum lot width	80 ft. (24.38 m)
- (c) Minimum yards:

	<u>Main Building</u>
Front	20 ft. (6.10)
Side	10 ft. (3.05 m)
Rear	20 ft. (6.10 m)
Corner	20 ft. (6.10 m.)

(d) Side yards. Accessory buildings shall have a minimum side yard of 20 feet (6.10 m). Accessory buildings located at least 10 feet (3.05 m) behind the main building may have a side yard of one foot (.305 meters) except that the street side yard of a corner lot shall be a minimum of 20 feet (6.10 meters) for main and accessory buildings.

(e) Rear Yards. Accessory buildings located at least 10 feet (3.05m) behind the main building may have a rear yard of one foot (.305 m) provided that on corner lots which have the rear lot line on the side yard of another lot, shall have a setback of 10 feet (3.05 m).

10-606. MAXIMUM BUILDING HEIGHT.

- (a) Main building 35 feet (10.67 m).
- (b) Accessory buildings 35 feet (10.67 m).

10-607. GENERAL REGULATIONS. Use of land in this district shall also conform to all the requirements of Chapter 16 of this Ordinance.

10-608. SITE PLAN APPROVAL.

- (a) Required for all Permitted Uses.
- (b) Required for all Conditional Uses.

TITLE X

ZONING

Chapter 7

Medium Density Residential District (R-2)

10-701. PURPOSE. To provide appropriate locations where medium density residential neighborhoods may be established, maintained, and protected. The regulations also permit the establishment, with proper controls, of churches, schools, libraries, parks and playgrounds. The medium density requirements reflect and are based upon the original platting of the Town of Cokeville. The regulations are intended to prohibit those uses that would be harmful to a medium density residential neighborhood.

10-702. PERMITTED USES.

- (a) Single- and two-family dwellings.
- (b) Home occupations.
- (c) Parks and playgrounds.

10-703. CONDITIONAL USES.

- (a) Planned unit developments.
- (b) Churches and public libraries.
- (c) Educational institutions.
- (d) Hospitals, clinics, and day care centers.
- (e) Public utilities and facilities.
- (f) Parking lots for Permitted or Conditional Uses.

10-704. ACCESSORY USES.

- (a) Meets the requirements under the definition “Accessory Use” and, in addition;
- (b) Does not include residential occupancy.
- (c) If operated wholly or partly within the structure containing the Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty percent (30%) of the gross floor area of the Permitted Use.
- (d) If in a separate, detached structure from a Permitted Use, the gross floor area devoted to the Accessory Use shall not exceed the gross floor area of the Permitted Use.

10-705. LOT AND YARD REQUIREMENTS.

- (a) All lots shall have Town approved water supply and sewage systems.
- (b) Minimum lot area and width:
 - Minimum lot area 6,500 sq. ft. (603.87 m)
 - Minimum lot width 60 ft. (18.29 m)

- (c) Minimum yards:

	<u>Main Building</u>
Front	20 ft. (6.10)
Side	10 ft. (3.05 m)
Rear	20 ft. (6.10 m)
Corner	20 ft. (6.10 m.)

- (d) Side Yards. Accessory buildings shall have a minimum side yard of 15 feet (4.57 m). Accessory buildings located at least 10 feet (3.05 m) behind the main building may have a side yard of one foot (.305 m) except that the street yard of a corner lot shall be a minimum of 20 feet (6.10 m) from main and accessory buildings.
- (e) Rear Yards. Accessory buildings located at least 10 feet (3.05 m) behind the main building may have a rear yard of one foot (.305 m) provided that on corner lots which have the rear lot line on the side yard of another lot shall have a setback of 10 feet (3.05 m).

10-706. MAXIMUM BUILDING HEIGHT.

- (a) Main building: 35 feet (10.67 m.).
- (b) Accessory building: 35 feet (10.67 m).

10-707. GENERAL REGULATIONS. Use of land in this district shall also conform to all the requirements of Chapter 16 of this Ordinance.

10-708. SITE PLAN APPROVAL.

- (a) Required for all Permitted Uses.
- (b) Required for all Conditional Uses.

TITLE X

ZONING

Chapter 8

High Density Multi-Family Residential District (R-3)

10-801. PURPOSE. To provide appropriate locations where high-density residential neighborhoods may be established, maintained and protected. The regulations also permit the establishment with proper controls, churches, schools, parks, and playgrounds.

10-802. PERMITTED USES

- (a) Single family and two-family dwellings.
- (b) Multi-family dwellings.
- (c) Parks and playgrounds.

10-803. CONDITIONAL USES

- (a) Planned unit developments.
- (b) Home occupations
- (c) Churches.
- (d) Educational institutions.
- (e) Hospitals, clinics, and day care centers.
- (f) Public utilities and facilities.
- (g) Parking lots for Permitted or Conditional Uses.

10-804. ACCESSORY USES.

- (a) Meets the requirements under the definition “Accessory Use” and, in addition;
- (b) Does not include residential occupancy.
- (c) If operated wholly or partially within the structure containing the Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty (30) percent of the gross floor area utilized by the Permitted Use.
- (d) If in a separate, detached structure from a Permitted Use, the floor area devoted to the Accessory Use shall not exceed the gross floor area of the Permitted Use.

10-805. LOT AND YARD REQUIREMENTS.

- (a) All lots shall have Town approved water supply and sewage systems.
- (b) Minimum lot area and width:

Minimum lot area - single family 5,500 sq. ft. (510.97 m) for single family dwelling unit.

Minimum lot area multi-family 5,500 sq. ft. (510.97 m) for the first unit plus 1,500 sq. ft.

Minimum lot width (139.35 m) for each additional unit.
60 feet (18.29 m)

(c) Minimum yards:

	<u>Main Building</u>
Front	20 ft. (6.10)
Side	10 ft. (3.05 m)
Rear	20 ft. (6.10 m)
Corner	20 ft. (6.10 m.)

(d) Accessory buildings set back:

Side	Same as main building if located within 10 ft. (3.05 m) of main building, if more than 10 ft. (3.05 in.) from main building then 1 foot (.305 m) from property line.
Corner	20 ft. (6.10 in.) from main.

10-806. MAXIMUM BUILDING HEIGHT.

- (a) Main building: 35 feet (10.67 m)
- (b) Accessory buildings: 35 feet (10.67 m)

10-807. GENERAL REGULATIONS. Use of land in this district shall also conform to all the requirements of Chapter 16 of this Ordinance.

10-808. SITE PLAN APPROVAL.

- (a) Required for all Permitted Uses.
- (b) Required for all Conditional Uses.

TITLE X

ZONING

Chapter 9

Mobile Home Subdivisions District (R-4)

10-901. PURPOSE. To provide appropriate locations where residential neighborhoods exclusively for mobile homes may be established.

10-902. PERMITTED USES.

- (a) One mobile home per lot.
- (b) Home occupations.
- (c) Parks and playgrounds
- (d) Public utilities and facilities.

10-903. SPECIAL PROVISIONS.

- (a) Decorative porches for exterior entrances and exits shall be required.
- (b) Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home.

10-904. ACCESSORY USES.

- (a) Meets the requirements under the definition “Accessory Use” and, in addition;
- (b) Does not include residential occupancy.
- (c) If operated wholly or partially within the structure containing the Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty (30) percent of the gross floor area utilized by the Permitted Use.
- (d) If in a separate, detached structure from a Permitted Use, the gross floor area devoted to the Accessory Use shall not exceed the gross floor area of the Permitted Use.

10-905. LOT AND YARD REQUIREMENTS.

- (a) All lots shall have Town approved water supply and sewage systems.
- (b) Minimum lot area and width.

Minimum lot area 6,000 sq. ft. (577.00 m)

Minimum lot width 60 ft. (18.29 m)

- (c) Minimum yards:
 - Front 20 ft. (6.10)
 - Side 10 ft. (3.05 m)
 - Rear 20 ft. (6.10 m)
 - Corner 20 ft. (6.10 m.)

(d)	Side yard	Same as main building if located within 10 ft. (3.05 m) of main building, if more than 10 ft. (3.05 m) from main building then 1 ft. (.305 m) from property line.
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	Corner	20 ft. (6.10 m) from main building.
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10-906. MAXIMUM BUILDING HEIGHT.

- | | | |
|-----|---------------------|------------------|
| (a) | Main building | 15 feet (4.57 m) |
| (b) | Accessory buildings | 15 feet (4.57 m) |

10-907. MOBILE HOME PLACEMENT REQUIREMENTS. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement, blocking, tie-down and anchoring of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure. The method and materials for tie-down pads, and for securing the mobile homes to the tie-down pads must be designed by a professional engineer registered in Wyoming and must be approved by the Town Council both for typical tie-downs and for each individual space as it is shown on the proposed final site plan. This approval must occur prior to the approval of any mobile home park permit by the Town Council.

10-908. GENERAL REGULATIONS. Use of land in this district shall also conform to all requirements of Chapter 16 of this Ordinance.

10-909. SITE PLAN APPROVAL.

- | | |
|-----|------------------------------------|
| (a) | Required for all Permitted Uses. |
| (b) | Required for all Conditional Uses. |

TITLE X

ZONING

Chapter 10

Mobile Home Park District (R-5)

10-1001. PURPOSE. To provide appropriate locations where residential neighborhoods exclusively for mobile parks may be established, maintained and protected.

10-1002. PERMITTED USES. Mobile homes in approved mobile home parks.

10-1003. ACCESSORY USES.

- (a) Meets the requirements under the definition “Accessory Use” and, in addition;
- (b) Does not include residential occupancy, except that a single-family dwelling on its own designated area for the owner or manager of a mobile home park may be considered a permitted Accessory Use.
- (c) If operated wholly or partially within the structure containing the Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty (30) percent of the gross floor area of the Permitted Use.
- (d) If in a separate, detached structure from a Permitted Use, the gross floor area devoted to the Accessory Use shall not exceed the gross floor area of the Permitted Use. Separate, detached structures containing an Accessory Use shall be, at a minimum, ten (10) feet from mobile homes or other structures containing a Permitted Use.
- (e) Central laundries, utilities and maintenance facilities, showers, recreation or Administrative space may be considered as accessory uses to a mobile home or park.

10-1004. LOT AND YARD REQUIREMENTS.

- (a) All mobile homes shall have Town approved water supply and sewage systems.
- (b) Minimum lot area and width:
 - Minimum lot 3 acres (1.21 hectares)
 - Minimum width 250 feet (76.2 in.)

10-1005. PROVISIONS OF SITE PLAN.

- (a) Three copies of the mobile home park site plan drawn to a scale of not less than one inch (1”) per one hundred feet (100’) showing: the area and dimensions of the mobile home park; location, size, and number of all mobile home spaces; location, width, and grade of all public streets adjacent to the mobile home park and of all roadways, driveways and sidewalks proposed within the park location and number of utility rooms to be used by occupants of the mobile home park; location of service buildings and any other existing or proposed structures; location and size of automobile parking areas and recreation areas; a general landscape plan and any proposed fencing; location of water and sewer lines and riser pipes; location and details of lighting and electrical systems; location of fire hydrants; and location of mail boxes.

(b) Typical plot plans for individual mobile home spaces, at a scale of one-inch equals ten feet.

(c) Typical street and walkway sections.

(d) Method to be used for garbage and trash disposal.

(e) A drainage plan which shall include, but not be limited to, a description of the following: the approximate boundaries of areas subject to flooding both, existing and as modified by the proposed development; the location of all water courses and all known or proposed surface water areas; the direction of surface and channelized drainage flow; and existing and proposed permanent and temporary drainage ways, structures and facilities and erosion and sediment control devices,

(f) Such further information as may be requested by the Town Council to enable its members to determine that the proposal will comply with this Ordinance.

(g) The mobile home park as proposed shall conform to the following development standards:

(1) Site location - The mobile home park shall be located on a well-drained site, and shall be located so that its drainage will not constitute an unreasonable hazard or nuisance to persons, property or water supply in the immediate vicinity of the site. The site shall be made free from marshes, swamps, or other potential breeding places for insects or rodents. Mobile home park sites shall not be subject to undue flooding, fire or safety hazards, and shall not be exposed to nuisances, such as undue noise, smoke, fumes, or odors. The topography of the site shall be favorable to minimum grading, mobile home placement and ease of maintenance. Overall site grades shall not exceed eight percent (8%).

(2) Site design - The site design shall provide for a desirable residential environment for mobile home residents which is an asset to the community and the neighborhood in which it is located. Site planning and improvements shall provide facilities and amenities which are appropriate to the needs of the residents; safe, comfortable and sanitary use by the residents under all weather conditions; and practical and efficient operation and maintenance of facilities at reasonable costs.

(3) Mobile home park size and density - The mobile home park site shall contain a minimum of three (3) acres of land, and gross density on the site shall not exceed eight (8) units per acre.

(4) Recreation area - Not less than ten percent (10%) of the gross site area shall be reserved for and devoted to recreational areas and facilities. Such areas and facilities shall be provided in a location or locations convenient to all mobile home spaces. Recreation areas may include space for community buildings and community use facilities, such as indoor recreation areas, hobby and repair shops. Recreation areas shall be centrally located for all residents of the mobile home park.

(5) Soil and ground cover requirements - Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone screenings, or other solid material, or protected with an approved vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

(6) Mobile home spaces

(i) The area of each mobile home space shall be a minimum of 3,000 sq. ft. for double wide mobile homes and 2,500 sq. ft. for single wide mobile homes and in addition, shall be adequate to provide for: a minimum of fifteen (15) feet (4.57 m) between mobile homes; a minimum of two (2) feet (.61 m.) from the tongue of the mobile home to any sidewalk; and an outdoor living and service area on the mobile home space of not less than three hundred (300) square feet (27.87 sq. m). The area required for a mobile home space shall not include additional area required by this Ordinance for access roads, off street parking and storage areas, service buildings, recreation areas, office and similar mobile home park needs. Accessory structures shall not be closer than three (3) feet (.91 m) from a mobile home or building on an adjacent lot.

(ii) Driveways, the minimum width of which shall be ten (10) feet (3.05 m) shall be provided where necessary for convenient access to the mobile home. The Town Council shall establish required surface material for driveways.

(iii) At least two (2) off street parking spaces shall be provided for each mobile home space. Surfacing for such required parking spaces shall be established by the Town Board. They shall be located on, or within 200 feet (60.96 m) of the space for which they are required; and shall not be located on streets, alleys and other rights-of-way, or on driveways serving more than one mobile home space.

(7) Setbacks and screening - All mobile homes shall be located at least twenty-five (25) feet (7.62 m.) from any park boundary line abutting upon a public street or highway and at least twenty-five (25) feet (7.62 m) from other park property boundary lines. All mobile home parks adjacent to other residential uses, or to commercial or industrial uses, shall be provided with screening such as landscaping along the property boundary separating the mobile home park from such adjacent land uses.

(8) Streets - Access roads shall be provided to each mobile home space. Access shall be an unobstructed area, not less than fourteen (14) feet in width. All streets and accessways providing ingress to and egress from the mobile home park and circulation within the mobile home park shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather-conditions. Grades of all streets shall be sufficient to ensure adequate surface drainage, but shall be not more than eight percent (8%). The Town Council may stipulate additional specifications in accordance with requirements for like streets and accessways on public ways. Streets shall be improved to the required standards prior to occupation of the mobile home spaces by mobile homes. Park streets shall be adequate widths to accommodate the contemplated parking and traffic load in accordance with the type street. Traffic lanes shall be ten (10) feet (3.05m) minimum width for collector streets, and 9 feet minimum width for minor streets. Lanes for parallel parking shall be seven (7) feet

(2.13 m.) minimum width. Collector streets, with guest parking allowances, shall be thirty-four (34) feet (10.36 m.) minimum width. Collector streets and all other streets except minor streets without parking allowances, shall be twenty-four (24) feet (7.31 m) minimum width. Minor streets serving less than forty (40) sites (no parking) shall be minimum width eighteen (18) feet (5.49 m). One-way minor streets serving less than twenty (20) sites (no parking) shall be fourteen (14) feet (4.27 m) minimum width. Streets and walkways designed for the general use of the mobile home park residents shall be lighted during the hours of darkness. Such lighting shall not be under the control of the mobile home occupant.

(9) Dedication of streets, easements and other public lands -Where any streets, easements, or other lands are required to be dedicated to the Town for public use, the developer shall submit the necessary deeds or other legal documents or file a plat of the mobile home park covering the dedication of all such streets, easements and/or public lands prior to or at the time of final approval of the permit.

(10) Walkways and lighting - Paved walkways at least four (4) feet (1.22 m) wide shall be provided from all mobile home spaces to service buildings and other community areas, and along all access roads. Pedestrian circulation areas shall be lighted at night by 7000 lumen lighting standards (equal to 175-watt mercury vapor bulbs) spaced not more than three hundred (300) feet (91.44 m) apart, with a maximum height of twenty-five (25) feet (7.62 m); or by other lighting methods producing an equivalent level of light at the ground.

(11) Storage areas - Storage areas for boats, boat trailers, travel trailers, tent trailers, horse trailers, and detachable pickup campers shall be provided within the mobile home park in an amount equal to one hundred (100) square feet (9.29 sq. m) per mobile home space. Such areas shall be screened from adjacent residential properties and public streets by means of opaque fencing or landscaping.

(12) Water and sewer - The mobile home park, and all individual mobile homes therein, shall be connected to the Town water and sewer system. All sewage disposal apparatus and appurtenances thereto shall be provided, maintained, and operated so as not to create a nuisance or health hazard.

(13) Electrical regulations - All electrical lines within the mobile home park shall be placed underground. All lines and service to individual mobile home lots shall meet Code specifications as adopted by the State of Wyoming. Enforcement of such provisions shall be by the State.

(14) Refuse handling - The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located no more than 150 feet (45.72 m.) from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration

and to facilitate cleaning around them. All refuse shall be collected at regular intervals.

(15) Fire protection - Every mobile home park shall be equipped at all times with such fire extinguishing equipment, and so located within the park, as prescribed by the Fire Department to satisfy fire regulations.

(16) Permanent buildings - The building or buildings containing the management office and other common facilities shall be conveniently located for the uses intended. Consolidation of laundry, recreation, management and other common facilities in a single building shall be acceptable if the single location will adequately serve all mobile home spaces. All buildings containing common facilities shall conform to all applicable requirements set forth by the Cokeville Town Council.

10-1006. MOBILE HOME PLACEMENT REQUIREMENTS. The area of the mobile home stand shall be improved to provide an adequate foundation for the placement, blocking, tie down and anchoring of the mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning. The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure. The method and materials for tie down pads and for securing the mobile homes to the tie down pads must be designed by a professional engineer registered in Wyoming and must be approved by the Town Council both for typical tie downs and for each individual space as it is shown on the proposed final site plan. This approval must occur prior to the approval of any mobile home park permit by the Town Council.

TITLE X

ZONING

Chapter 11

Residential Mobile Home Lot District Regulations (R-MHL)

10-1101. **PURPOSE.** To continue use provisions for both mobile homes and site-built homes on individual lots in the same neighborhood. This zone district not intended for expansion beyond its current boundaries.

10-1102. **PERMITTED USES.**

- (a) Single mobile homes on individual lots.
- (b) Single- and two-family dwelling units.
- (c) Home occupations.
- (d) Parks and playgrounds.
- (e) Public utilities and facilities.

10-1103. **CONDITIONAL USES.**

- (a) Planned unit development.
- (b) Churches and public libraries.
- (c) Educational institutions.
- (d) Hospitals, clinics and day care centers.

10-1104. **SPECIAL PROVISIONS.** The above specified single mobile homes on individual lots shall be permitted under the following conditions:

- (a) If a non-conforming mobile home unit is for any reason moved or removed from a lot and a different mobile home unit is installed on the lot to replace the original unit, the replacement unit must be of the same or better quality than the unit removed or replaced; and the unit must be installed in full compliance with Section 10-907 or be placed on a permanent foundation approved by the Town. If a mobile home has been removed from a lot 30 days or longer, no other mobile home can be installed in its place.
- (b) The mobile home resident shall comply with all applicable requirements of this Ordinance and shall maintain his mobile home lot, its facilities and equipment in good repair and in clean and sanitary conditions.
- (c) The mobile home resident shall be responsible for proper placement of his mobile home on its mobile home stand and proper installations of his utility connections in accordance with the Town approved water and sewage systems.
- (d) Skirting shall be installed by the mobile home owner and be of a type approved by the Cokeville Town Council and the Planning and Zoning Commission. A. description of the proposed method of skirting the mobile home shall be submitted

along with the site plan for Building Permit approval. (See Section 10-1410(a) through (d).)

(e) The resident shall store and dispose of all the rubbish and garbage in a clean, sanitary and safe manner.

(f) Accessory structures shall be designed in a manner that will enhance the appearance of the mobile home.

(g) The mobile home shall be properly placed on its foundation and its stability shall be affirmed. The mobile home shall be properly secured against high wind velocities. Overturning, sliding or up-lift shall be prevented by anchors, tie downs or similar devices.

(h) Anchors or tie downs, such as cast-in-place concrete “dead man”, eyelets embedded in concrete screw augers, or arrowhead anchors shall be placed at each corner of the mobile home stand and at intervals of at least 20 feet or 6.10 meters. Each device shall be able to sustain a minimum load of 4,800 pounds or 2,744 kilograms.

(i) Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. The lot shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(j) The growth of brush, weeds and grass shall be controlled to prevent harborage of noxious insects. The lot shall be maintained to prevent the growth of weeds considered detrimental to health.

10-1105. ACCESSORY USES.

- (a) Meets the requirements under the definition “Accessory Use” and, in addition;
- (b) Does not include residential occupancy.
- (c) If operated wholly or partially within the structure containing the Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty (30) percent of the gross floor area utilized by the Permitted Use.
- (d) If in a separate, detached structure from a Permitted Use, the gross floor area devoted to the Accessory Use shall not exceed the gross floor area of the Permitted Use.

10-1106. LOT AND YARD REQUIREMENTS.

- (a) All lots shall have Town approved water supply and sewage system.

- (b) Minimum lot area and width:

Minimum lot area	8,000 sq. ft. (743.22 sq. m.)
Minimum lot width	80 ft. (24.38 m.)

- (c) Minimum yards:

	<u>Main Building</u>
Front	20 ft. (6.10)
Side	10 ft. (3.05 m)
Rear	20 ft. (6.10 m)
Corner	20 ft. (6.10 m.)

(d) Side yards - Accessory buildings shall have a minimum side yard of 20 feet (6.10 m). Accessory buildings located at least 10 feet (3.05 m) behind the main building may have a side yard of one foot or .305 meters except that the street side yard of a corner lot shall be a minimum of 20 feet (6.10 meters) for main and accessory buildings.

(e) Rear Yards. Accessory buildings located at least 10 feet (3.05 m) behind the main building may have a rear yard of one foot (.305 m) provided that on corner lots which have the rear lot line on the side yard of another lot, shall have a setback of 10 feet (3.05 m).

10-1107. MAXIMUM BUILDING HEIGHT.

- | | | |
|-----|---------------------|--------------------|
| (a) | Main building | 35 feet (10.67 m). |
| (b) | Accessory buildings | 35 feet (10.67 m). |

10-1108. GENERAL REGULATIONS. Use of land in this district shall also conform to all the requirements of Chapter 16 of this Ordinance.

- | | |
|-----|------------------------------------|
| (a) | Required for all Permitted Uses. |
| (b) | Required for all Conditional Uses. |

TITLE X

ZONING

Chapter 12

Community Commercial District (C-1)

10-1201. PURPOSE. To provide areas for community retail and service activities on locations to conveniently serve the residents.

10-1202. PERMITTED USES.

- (a) Bakery.
- (b) Bank.
- (c) Barber shop.
- (d) Beauty parlor.
- (e) Bookstore.
- (f) Bar.
- (g) Tavern.
- (h) Dry cleaning agency.
- (i) Cafeteria.
- (j) Dairy products store.
- (k) Drug store.
- (l) Day care center.
- (m) Florist.
- (n) Gift shop.
- (o) Grocery.
- (p) Greenhouse.
- (q) Hardware store.
- (r) Self-service laundry.
- (s) Medical and dental clinics.
- (t) Business or professional office.
- (u) Optometrist or optician.
- (v) Photographic shop.
- (w) Post office.
- (x) Radio and television sales.
- (y) Repair shop.
- (z) Shoe repair shop.
- (aa) Residential uses above street floor of commercial use.
- (bb) Restaurant.
- (cc) Theaters.
- (dd) Variety Store.
- (ee) Other similar and related uses.

10-1203. CONDITIONAL USES.

- (a) Fuel sales office and public buildings and services.
- (b) Parking lot, public utilities and facilities.
- (c) Hotels and funeral homes.
- (d) Multi-family uses.

10-1204. SPECIAL PROVISIONS.

- (a) Such business shall be conducted entirely within an enclosed building except for the parking of automobiles and service to persons in automobiles.
- (b) All products, whether primary or incidental, shall be sold at retail on the premises.
- (c) All uses shall be free from objectionable odor, dust, smoke, noise, vibration or other health and safety hazards.

10-1205. ACCESSORY USES.

- (a) Meets the requirements under the definition “Accessory Use” and, in addition;
- (b) If operated within a structure, shall not exceed a gross floor area of 50 percent (50%) of the gross floor area of the Permitted Use. If operated as an open Accessory Use, shall not exceed a gross floor area of 50 percent (50%) of the area of the Zone Lot.

10-1206. LOT AND YARD REQUIREMENTS.

- (a) All lots shall have Town approved water supply and sewage systems.
- (b) Minimum lot and yard requirements:

<u>Yards in Feet</u>					
<u>District</u>	<u>Lot Area</u>	<u>Width</u>	Front Yard <u>Setback</u>	Side Yard <u>Setback</u>	Rear Yard <u>Setback</u>
C-1	No Min.	No Min.	No Min.	None, except 20 feet (6.10 m) where side yard abuts a	None, except 10 feet (3.05m) where side yard abuts a residential
zone				residential zone, or is adjacent to a street	

In addition, a solid fence or wall not less than 6 feet (1.83 m) in height may be required on the district line, at the discretion of the Town Council.

10-1207. MAXIMUM BUILDING HEIGHT.

- (a) Main building: 35 feet (10.67 m).
- (b) Accessory building: 35 feet (10.67 m).

10-1208. GENERAL REGULATIONS. Use of land in this district shall also conform to all the requirements of Chapter 16 of this Ordinance.

10-1209. SITE PLAN APPROVAL.

- (a) Required for all Permitted Uses.
- (b) Required for all Conditional Uses.

TITLE X

ZONING

Chapter 13

Highway Commercial District Regulations (C-2)

10-1301. PURPOSE. To provide commercial areas on major highways for the location of traveler services and highway oriented commercial uses.

10-1302. PERMITTED USES.

- (a) Any use allowed in the C-1 District.
- (b) Convenience food restaurant.
- (c) Garage for repair of motor vehicles.
- (d) Motel.
- (e) Residential uses above street floor of Commercial Use.
- (f) Restaurant.
- (g) Service station.
- (h) Travel Trailer Court
- (i) Other related and similar uses; any lawful Commercial Use.

10-1302a C-2A PERMITTED USES SHALL ONLY INCLUDE THE FOLLOWING:

- (a) Visitor Center
- (b) Historical Center
- (c) Museum
- (d) Green Space/Park
- (e) Statuary
- (f) Entry/welcome sign
- (g) Art Gallery

10-1302b C-2B PERMITTED USES SHALL INCLUDE ALL USES OUTLINED IN C-2
AND:

- (a) Bank
- (b) Professional and government offices
- (c) Family restaurants and fast-foods
- (d) Medical care
- (e) Spa
- (f) Sporting goods/Equipment rental
- (g) Multi-business Retail/strip Mall

10-1302c C-2C PERMITTED USES SHALL INCLUDE ALL USES OUTLINED IN C-2B
AND:

- (h) Hotel, motel, bed and breakfast
- (i) Churches
- (j) Car Sales
- (k) Pawn Shop

- (l) C-stores
- (m) Farm Implement
- (n) Hardware
- (o) Pharmacy
- (p) Convention/Conference Center
- (q) Grocery Stores
- (r) Movie Theatre
- (s) Laundromat/Dry Cleaners
- (t) Nursing Home/Assisted Living
- (u) Shipping Center

10-1302d C-2D PERMITTED USES SHALL INCLUDE ALL USES OUTLINED IN C-2C
AND:

- (v) Auto repair
- (w) Auto body
- (x) Car wash
- (y) Truck Stop
- (z) Park & ride
- (aa) Lumber Yard
- (bb) Bowling Alley
- (cc) Construction equipment rental
- (dd) Skating rink
- (ee) Landscape materials (rocks, plants)

10-1303. CONDITIONAL USES.

- (a) Drive-in theater.
- (b) One residential unit for employees.
- (c) Farm machinery and equipment sales.
- (d) New and used automobile agency.
- (e) Temporary placement of mobile home for construction office not to exceed 90 days. Conditions shall include placement on site where construction is taking place and placement only during construction activity.
- (f) Sexually oriented businesses

10-1304. ACCESSORY USES.

- (a) Meets the requirements under the definition “Accessory Use” and, in addition;
- (b) If operated within a structure, shall not exceed a gross floor area of 50 percent of the gross floor area of the Permitted Use. If operated as an open Accessory Use, shall not exceed a gross floor area of 50 percent of the area of the Zone Lot.

10-1305. LOT AND YARD REQUIREMENTS.

- (a) All lots shall have Town approved water and supply and sewage systems.
- (b) Minimum floor area: None required.
- (c) Minimum lot and yard requirements:

<u>District</u>	<u>Lot Area</u>	<u>Width</u>	<u>Yards in Feet</u>		
			<u>Front Yard Setback</u>	<u>Side Yard Setback</u>	<u>Rear Yard Setback</u>
C-2	10,001 sq ft (929.03 m)	75 ft. (22.86 m)	40 ft (12.19 m)	None except 20 ft. (6.10m.) where side yard is adjacent to a street or residential zone; or is adjacent to a street.	None except 10 ft. (3.05 m) where rear yard abuts a residential zone or agricultural zone.

- (d) Minimum setback on zoning district boundary line for parking area and circulation drive: 10 ft. (3.05 m.). In addition, a solid fence or wall not less than 6 feet (1.83 m.) in height may be required on the district boundary line at the discretion of Town Council.

10-1306. MAXIMUM BUILDING HEIGHT.

- (a) Main building; 35 feet (10.67 m.) unless written approval from the Town Council is first received.
- (b) Accessory building; 35 feet (10.67 m) unless written approval from the Town Council is first received.

10-1307. GENERAL REGULATIONS. Use of land in this district shall also conform to all the requirements of Chapter 16 of this Ordinance.

10-1308. SITE PLAN APPROVAL.

- (a) Required for all Permitted Uses.
- (b) Required for all Conditional Uses.

10-1309. TRAVEL TRAILER COURT REQUIREMENTS AND RESTRICTIONS.

- (a) Maximum length of stay will be no longer than 30 consecutive days.
- (b) Minimum length of time before trailer can return after leaving is 10 days.
- (c) Maximum length of trailer must not exceed 40 feet.
- (d) Minimum width of individual trailer space shall be 20 feet.
- (e) Water, sewer and power hook-up shall be according to Town and State requirements.
- (f) An extension of length of stay upon submission of request and approval by the Town Council.

TITLE X

ZONING

Chapter 14

Industrial District Regulations (I-1)

10-1401. PURPOSE. To provide areas where industries necessary and beneficial to the local economy may locate and operate.

10-1402. PERMITTED USES.

- (a) Any industrial, mining, manufacturing, processing, assembling, research, wholesale or storage use which have little or no emission of dust, smoke, fumes, gas, vibration, glare, or noise and which pose little or no danger to the public health and safety.
- (b) Agriculture, farming and ranching.
- (c) Public utilities and facilities.

10-1403. CONDITIONAL USES.

- (a) Automobile salvage and wrecking operations, provided that all operations are conducted within a solid view-obstructing wall or fence not less than 8 feet (2.44 m) in height.
- (b) Temporary placement of mobile homes for construction office not to exceed ninety days. Conditions shall include placement on site where construction is taking place and placement only during construction activity.
- (c) Sand and gravel pits.

10-1404. ACCESSORY USES.

- (a) Meets the definition “Accessory Use” and, in addition;
- (b) Does not include residential occupancy except by a caretaker or watchman employed on the premises.
- (c) Does not include an area of over ten percent (10%) of the area of the Zone Lot.

10-1405. LOT AND YARD REQUIREMENTS.

- (a) All lots shall have Town approved water supply and sewage systems.
- (b) Minimum lot area 10,000 sq. ft. (929.03 m).
- (c) Minimum lot width: 100 feet (30.5 m).

(d) Minimum yards:

Front and Corner	50 ft. (15.24 m) if across the street from any Agricultural or Residential Zone and 25 ft. (7.62 m) if across the street from any Commercial Zone.
Side and Rear	30 ft. (9.1.4 m) for any Agricultural or Residential Zone and 20 ft. (6.10m) for any Commercial Zone. In addition, a solid fence or wall of no less than 6 feet (1.83 m) may be required on the district boundary line, at the discretion of the Planning and Zoning Commission.

10-1406. MAXIMUM BUILDING HEIGHT.

- (a) Main building: 35 feet (10.67 m).
- (b) Accessory buildings: 35 feet (10.67 m).

10-1407. GENERAL REGULATIONS. Use of land in this district shall also conform to all the requirements of Chapter 16 of this Ordinance.

10-1408. SITE PLAN APPROVAL.

- (a) Required for all Permitted Uses.
- (b) Required for all Conditional Uses.

10-1409. PENALTY. Any person who violates this Ordinance may be punished as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville. Each day's continuance of such violation shall be deemed to be a separate offense.

TITLE X

ZONING

Chapter 15

Open Space - Flood Hazard District Regulations (OF)

10-1501. PURPOSE. To provide an overlay zone which preserves areas of open space and protects land areas subject to frequent flooding.

10-1502. HOW TO USE. This zone may, at the Town Council's discretion, be adopted for any area of Cokeville which is desirable for open space and/or which has been determined to be a flood hazard area. This zone may overlay any other zone. Uses allowed in this zone take precedence over uses allowed on any other zone.

10-1503. PERMITTED USES.

- (a) Agriculture.
- (b) Public recreation grounds and facilities.
- (c) Fairgrounds.
- (d) Parks and playgrounds.
- (e) Floodway zone: No improvements except flood control devices and bridges.
- (f) Flood fringe zone: Uses allowed in (a)-(e) above with the exception of buildings.

10-1504. CONDITIONAL USES.

- (a) Conditional uses are not allowed.

10-1505. ACCESSORY USES.

- (a) Accessory uses, provided that they meet the definition as set forth in Section 10-301.

10-1506. MAXIMUM BUILDING HEIGHT. (For uses outside floodway and flood fringe zone)

- (a) Main building: 35 feet (10.61 m).
- (b) Accessory building: 35 feet (10.67 m).

10-1507. GENERAL REGULATIONS. Use of land in this district shall also conform to all the requirements of Chapter 16 of this Ordinance.

10-1508. SITE PLAN APPROVAL.

- (a) Required for all Permitted Uses.
- (b) Required for all Conditional Uses.

TITLE X

ZONING

Chapter 16

Supplementary Regulations

10-1601. PURPOSE. The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.

10-1602. YARD SPACE FOR ONE BUILDING. For the purpose of complying with the provisions of this Ordinance, no required yard or other open space for any building shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

10-1603. ONE DWELLING PER LOT. Except for group dwellings, where permitted, no lot shall contain more than one dwelling.

10-1604. PERMITTED ENCROACHMENTS. Every part of a required yard shall be open to the sky except for accessory buildings in a rear yard, the ordinary projects of skylights, sills, belt courses, cornices, roof overhang, chimneys, flues, and other ornamental features which project into a yard not more than four (4) feet (1.22 m). Also excepted are open or lattice enclosed fire escapes, fireproof outside stairways and balconies upon fire towers projecting into a yard, not more than five (5) feet (1.52 m).

10-1605. WALL OR FENCE.

- (a) No fence or wall or other similar structure or obstruction shall be erected or be in existence in any required rear or side yard to a height in excess of six (6) feet (1.83 meters) except in the case of an auto reduction yard, where the fence must be at least eight (8) feet (2.44 meters) in height.
- (b) No fence or wall or other similar structure or obstruction shall be erected in any required front yard/front of house to a height in excess of four (4) feet when the residential lot is located on one street, or on a corner lot with only two intersecting streets.
- (c) When a residential lot is located between two (2) streets:
 - (i) and all back yards on the block face the same street, a rear yard fence may be erected to a height not to exceed six (6) feet (1.83 meters) and with a 10-foot minimum setback from the rear property line.
 - (ii) And at least one property's back yard shares a property line with another property's front yard on the block, then the front yard will dictate the 4' height of any fence for all properties on that block.

- (d) For safety purposes, a side yard fence shall be no more than 4 feet in the height from the front property line back 20 feet.

10-1606. MAIN BUILDING HEIGHT. No building shall be erected to a height less than one (1) story above grade except for approved earth sheltered homes.

10-1607. VIEW OF INTERSECTING STREETS. In all districts which require a front yard, no obstruction of view in excess of two (2) feet (.61 m) in height shall be placed on any corner lot within a triangular area formed by the property lines and the line connecting them at points twenty (20) feet (6.09 m) from the intersection of the property lines except fences constructed to a maximum height of four (4) feet (1.21m) and of materials that are inherently designed to maintain visibility from one side to the other and trees pruned high enough to permit unobstructed vision by automobile drivers.

10-1608. COVERAGE - ACCESSORY BUILDINGS. Accessory buildings in a residential district and mobile home park district shall not cover more than twenty-five percent (25%) of the rear yard. The remainder of the lot must be landscaped.

10-1609. SIGNS. The following described signs shall be allowed as indicated in the accompanying table:

Type of Sign (See Definitions)	Max. Size in Feet	Max. Height in Feet*	<u>Zone</u>		Permitted Type of Illumination
			Permitted Use	Conditional Use	
Advertising	8 x 12 (2.44 x 3.66 in.)	18 (5.49 m)	I-1	C-2, A	Indirect
Business	10 x 24 (3.04 x 7.31 m)	70 (21.34 m)	C-1, C-2, I-1		Indirect, Flood, Neon
Identification	3 x 4 (0.914 x 1.22 m)	8 (2.44 m)	All Zones		Indirect
Nameplate	1 x 2 (0.305 x .610 m)	8 (2.44 m)	All Zones		Indirect
Property-Sale, Lease, Trespass	2 x 3 (.610 x .914 m)	8 (2.44 in.)	All Zones		None
Property-Other	8 x 16 (2.44 x 4.88 m)	16 (4.88 m)	All Zones		None
Public Information	3 x 6 (.914 x 1.83 m)	8 (2.44 m)	All Zones		Indirect
Temporary	8 x 12 (2.44 x 3.66 m)	16 (4.88 m)	All Zones		None

*The distance from the top of the sign to ground supporting it.

- (a) Any sign designed to use any type of flashing light, including but not limited to; flashing, blinking, running, or strobe, shall have the expressed written approval of the Town Council.
- (b) All signs, except business signs, shall be illuminated by indirect lighting, the source of which shall not be visible from the street. In no case shall direct rays of light from a sign be permitted to penetrate a property in a residential district.
- (c) All signs shall be placed so as not to interfere with a clear view at intersecting streets as provided for in this Ordinance. In any district requiring a front yard, signs located on the ground in that district shall adhere to the front yard requirements.
- (d) Roof signs shall be permitted only in Districts C-1 and C-2. Roof signs shall not be permitted higher than the height regulations of the district in which they are located. Ground signs shall not project above the roof line of the highest building located on the premises.

10-1610. OFF STREET PARKING. There shall be provided at the time of erection of any building, or at the time any main building is enlarged or increased in capacity, a minimum off street parking space with adequate provisions of ingress and egress by standard sized automobiles as hereinafter provided.

- (a) Minimum requirements for parking areas are indicated in the following table:

<u>Building Type</u>	<u>Minimum Parking Space Required</u>	<u>For Each</u>
Single & Two Family Residential	2	Dwelling Unit
Dwelling Mobile Home	2	Dwelling Unit
Motel	1	Living or Sleeping Unit
Hotel	1	Two (2) Sleep Rooms
Hospital	1	Two (2) Beds
Church	1	Four (4) Fixed Seats
Auditorium Theater, Stadium, Place of Public Use	1	Four (4) Seats
Public Library	1	200 Sq. Ft.(18.58 Sq. m) Gross Floor Space
Business Development, Bank, Retail Store, etc.	1	250 Sq. Ft. (23.22 Sq. m) Gross Floor Space
Medical and Dental Clinic	1.5	Employee
Restaurants, Bars, Cafes	1	Three (3) Seats
Drive-In Restaurant	1	500 Sq. Ft. (46.45 Sq. m) of Lot Area
Bowling Lanes	3	Lane
Grocery Store	1	300 Sq. Ft. (27.87 Sq. m) Gross Floor Space
Elementary & Junior High School Addition	1	1/2 Classroom (In

Required		to Parking Space
Senior High School Addition	1	for Auditorium) 1/4 Classroom (In
Required		to Parking Space
Office Parking Requirements	1	for Auditorium) 400 Sq Ft. (37.16 Sq. m)
Multiple family & Condominium	2	Gross Floor Space Dwelling Unit

10-1611. MOBILE HOME PARKS. A mobile home park shall meet the requirements of Chapter 10 in this Ordinance.

10-1612. DESIGN STANDARDS. Certain design standards are required to ensure good development and to avoid the need for expensive corrective measures by the Town of Cokeville. It is, therefore the intent of this section to provide minimum design standards relating to drainage, sanitation, water supply and roads to be applied as development occurs.

- (a) No building shall be erected, structurally altered or relocated on, or permission granted for development of a site of land which is subject to periodic flooding unless adequate provision is made to ensure flooding will not affect or damage said improvements and access thereto.
- (b) No building or structure, except a flood control facility, dam, or irrigation structure, or a limited recreation facility, shall be erected or located in a flood plain. Uses permitted in a flood plain shall be limited to agriculture, recreation and parking. No construction or alteration of topography shall be made which will obstruct or restrict the natural flood channel and cause other lands to be flooded.
- (c) No permission shall be granted for construction or use in any flood plain unless specifically approved by the Cokeville Town Council.
- (d) Approval shall not be granted for the erection, alteration, or relocation of a building for human use or occupancy which will not be connected to a public sewage system or water supply which meets the standards and requirements of the State of Wyoming Health Department.

10-1613. SITE PLAN.

- (a) Plans drawn to a scale of 1-inch equals 50 feet or 1-inch equals 100 feet.
- (b) Illustrate by location - existing buildings, streets, alleys, property lines, buildings on adjacent properties, and utility locations.
- (c) Locate proposed structures, parking areas, driveways, storage areas, utility lines, freestanding signs, and landscaping.

10-1614. PLANNED UNIT DEVELOPMENT.

- (a) A planned unit development (PUD) is intended to replace the rigid requirements of conventional zoning with general appearance and livability guidelines allowing flexibility and innovation in site planning, building arrangement and land use relationships, while simultaneously ensuring substantial compliance with the intent and purpose of this Ordinance.
- (b) Planned unit developments must be approved by the Cokeville Planning and Zoning Commission. Application shall be made to the Planning and Zoning Commission after the proposed site has been given approval by the Town Council.
- (c) The applicant shall submit a preliminary site plan including, but not limited to, the following:
 - 1. An explanation of all intended uses.
 - 2. Sketch Plan.
 - 3. Preliminary plat.
 - 4. An inventory resource statement, with total area proposed in PUD, present and potential energy resources, hydrological resources, data concerning population to be served, the expected value per unit, sewer and water capabilities, soil types and composition, geologic analysis, and proposed pedestrian and automobile circulation patterns.
- (d) After receiving Planning and Zoning Commission approval of the preliminary plan, the developer shall, within one (1) year, submit a final plan including, but not limited to, the final draft of all that is listed in the preliminary plan.
- (e) No planned unit development shall have an area of less than Five (5) acres (2.02 hectares).
- (f) The development shall be in single or corporate ownership at the time of the application, or the subject of an application filed jointly by all owners of the property.
- (g) No piece of land shall be withdrawn from the PUD without the consent of all the property owners and the Planning and Zoning Commission.
- (h) The developer shall submit for approval all documents to the Planning and Zoning Commission and Town Council. Included in submittals shall be copies of any special agreements, restrictions, conditions or covenants which will govern the use, continued protection, and maintenance of the planned unit and any of its common park areas and facilities.
- (i) Density and coverage under a conditional use shall in no case be more than ten percent (10%) higher than allowed in the zoning district.

- (j) The residential density of a PUD district shall not be greater than eight (8) units per acre (.405 hectare) in the R-1, R-2, and R-MHL Zones, and coverage not greater than sixty percent (60%).
- (k) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed, shall be considered and determined acceptable through the process of approving the site development plan.
- (l) Upon approval of the preliminary plan, and in accordance therewith, the developer may survey and stake the lots, roads, and other proposed areas on the proposed site, but may not commence any further development activity until final approval. The completion of survey and staking work shall in no way obligate any Town officials.
- (m) The general site plan required shall include, but not be limited to the following: layout of roads, lots, parks and open space, location orientation, spacing, storage, and lighting, water supply and sewage treatment systems, natural preservation and drainage areas, landscaping, fencing and screening, and any information including residential density, coverage, and open space characteristics.
- (n) The Town Council shall determine whether all or a part of stream areas, bodies of water, and slopes may or may not be included as usable open space. In addition, the Town Council may require up to twenty percent (20%) of the total site be set aside for private and/or public open space and recreation purposes within a residential PUD.
- (o) The developer may retain ownership and responsibility for maintenance of the designed open space, and shall commit himself through written agreement with all parties who subsequently acquire ownership of property within the PUD.
- (p) Planned unit developments may be developed in phases. No construction of any kind shall begin the second or subsequent phases until sixty five percent (65%) of the total development has been sold on the preceding phase. Development of any phase must have all public improvements completed within two (2) years from the time of final approval.
- (q) Planned unit developments must comply with requirements set forth in the Town's Subdivision Ordinance.

TITLE X

ZONING

Chapter 17

Administration and Responsibility

10-1701. ENFORCEMENT RESPONSIBILITY.

(a) It shall be the responsibility of the Cokeville Planning and Zoning Commission and its authorized agent, to be known as the Zoning Officer, to administer this Zoning Ordinance.

(b) It shall be unlawful to locate, erect, construct, reconstruct, enlarge, maintain, or use any building, structure or fence, or use any land within the incorporated area of Cokeville without first obtaining authorization from the Cokeville Planning and Zoning Commission or its authorized agent. No authorization shall be issued unless the plans for the proposed building, structure, or use fully comply with this Zoning Ordinance. The Cokeville Planning and Zoning Commission or its authorized agent shall act upon any application filed with it. The Planning and Zoning Commission shall grant authorization in all cases where the proposed construction or use complies with the requirements of the Zoning Ordinance, and if it denies the authorization shall specify the reasons for such denial.

(c) The Cokeville Planning and Zoning Commission shall be authorized to receive and review all applications for construction, alteration or occupancy of land or structures which relate to the issuance of routine building permits, and shall have authority to disapprove or approve such applications and permits based on their performance with the provisions of these regulations. It shall not be required that applications for routine building permits be further reviewed by the Cokeville Town Council, after approval has been given by the Cokeville Planning and Zoning Commission, subject to the following conditions:

(1) The Cokeville Planning and Zoning Commission's authority to consider applications and approve permits for routine building permits without the review of the Cokeville Town Council, shall not be deemed to include approval of permits for variances, zone changes, conditional use permits, questionable or unusual permits.

(2) Appeal of any decision of the Planning and Zoning Commission disapproving and/or denying an application for a routine building permit shall be to the Cokeville Town Council. Appeals shall be in writing and shall be filed at the Office of the Town Council not more than ten (10) working days after the decision by the Planning and Zoning Commission. The Cokeville Town Council may affirm, modify or reverse the decision of the Planning and Zoning Commission. However, the Cokeville Town Council shall present in writing the reasons for its action.

10-1702. ENFORCEMENT AGENT.

(a) The Cokeville Planning and Zoning Commission, with the approval of the Town Council, may appoint a zoning enforcement agent for the administration and enforcement of the

provisions of this Ordinance. This agent shall be designated as the Zoning Officer. Duties of the Zoning Administrator include:

- (1) Establish and administer rules and procedures for conducting the zoning affairs of the Town to include the development of the necessary forms and development of procedures not described in this Ordinance.
- (2) Establish and administer rules and procedures for conducting the zoning affairs of the Town to include the development of the necessary forms and development of procedures not described in this Ordinance.
- (3) Coordinate with other officials in the administration and enforcement of this Ordinance.
- (4) Receive and review all applications for permits for construction, alteration, or change of use or occupancy of land or structures, and approve or disapprove such applications based on their conformance with the provisions of these regulations.
- (5) Receive all notices of appeals and all requests for variances from the provisions of this Ordinance, notify the Building Inspector of the appeal or request.
- (6) Receive all applications for amendments to the language of this Ordinance or the District Zoning Map, refer such applications to appropriate agencies for comment and submit all such applications along with the comments of the examining agencies and the comments of the Planning and Zoning Commission to the Town Council.
- (7) Receive and review all applications for Development Plans and prepare recommendations on such plans for review and action by the Planning and Zoning Commission.
- (8) Participate, when deemed appropriate, in meetings or public hearings related to zoning before the Planning and Zoning Commission or the Town Council.
- (9) Maintain the official District Zoning Map or maps and other records showing the current zoning classification of all lands within the Town of Cokeville.
- (10) Upon reasonable cause, revoke any Zoning Permit, issue cease and desist orders to take any other lawful action to ensure substantial compliance with the provisions of this Ordinance.
- (11) Propose to the Planning and Zoning Commission and to the Town Council, any changes to the Zoning Ordinance or to zone district classifications within the Town that may, from time to time, be desirable or necessary. All such changes shall be subject to the amendment procedures set forth in this Ordinance.
- (12) Make any necessary examinations or studies relative to the use of land or structures to determine compliance with and appropriateness of these regulations.

(13) Maintain such records and files as may be necessary in the efficient conduct of the above duties.

(b) Nothing contained in the foregoing designation of duties of the enforcement agent, as set forth above in section (a) (1) through (12), shall be interpreted to deny the power and authority of the Cokeville Planning and Zoning Commission to consider, and approve or deny routine building permits, as authorized under these ordinances, and outlined in Section 10-1701(c) of this Chapter.

10-1703. CONDITIONAL USE PERMIT

(a) An approved conditional use permit shall be required for each conditional use listed in this Ordinance. No building permit or other permit or license shall be issued for a conditional use by any officer or employee of the Town of Cokeville unless a conditional use permit shall have been approved.

(b) Application for a conditional use permit shall be made at the office of the Cokeville Planning and Zoning Commission on forms provided for that purpose.

(c) The applicant for a conditional use permit shall prepare a site plan of the proposed conditional use, drawn to scale and showing all existing and proposed buildings, utility rights-of-way, fences, landscaping, automobile parking and loading areas, and any other information the Planning and Zoning Commission may deem necessary.

(d) The conditional use permit shall be \$25.00 and said fee shall be non-refundable.

(e) A hearing shall be held when the Planning and Zoning Commission shall deem a hearing to be necessary to serve the public interest.

(f) The Planning and Zoning Commission may approve, modify and approve, or deny the conditional use application. In approving any conditional use, the Planning and Zoning Commission shall impose regulations and conditions as are necessary to protect the public welfare.

(g) In approving a conditional use, the Planning and Zoning Commission shall find:

- (i) that the proposed use is necessary or desirable and will contribute to the general wellbeing of the community;
- (ii) that the proposed use will comply with the regulations of this Ordinance;
- (iii) that the use will not be detrimental to the health, safety, or general welfare of the persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
- (iv) that the proposed use is in harmony with the intent of the Master Plan.

(h) Appeal of any decision of the Planning and Zoning Commission shall be to the Cokeville Town Council. Appeals shall be in writing and shall be filed at the office of the Town Council not more than ten (10) working days after the decision by the Planning and Zoning Commission. The Cokeville Town Council may affirm, modify or reverse the decision

of the Planning and Zoning Commission. However, the Cokeville Town Council shall present, in writing, the reasons for its action.

(i) The Zoning Inspector shall inspect the conditional use during the course of construction to ensure that it complies with the conditions of the use permit.

(j) A conditional use permit shall be null and void one (1) year after approval unless substantial work shall have been accomplished toward its completion.

(k) A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit.

10-1704. CHANGES AND AMENDMENTS TO ZONING.

(a) This Zoning Ordinance, including the maps, may be amended from time to time by the Cokeville Town Council and the Planning and Zoning Commission. Proposed amendments may be first proposed by the Planning and Zoning Commission or may be submitted to the Town Council for its recommendation.

(b) The applicant for a Zoning Amendment shall submit an application to the Planning and Zoning Commission.

(c) The applicant for a Zoning Amendment shall prepare at the discretion of the Cokeville Planning and Zoning Commission, a site plan such as described above under Conditional Uses.

(d) The Zoning Amendment fee shall be \$35.00 and said fee shall be non-refundable.

(e) Public meetings shall be held by the Planning and Zoning Commission on all zoning amendments requested. At least fifteen (15) days' notice of the time and place of the hearing shall be published in a newspaper of general circulation in the Town.

(f) The Planning and Zoning Commission may approve, modify and approve, or deny the applicant's zone change request following the procedures described in Section 10-1703 above for conditional uses. The Planning and Zoning Commission shall submit its recommendations for proposed changes and amendments to the Cokeville Town Council for its consideration within thirty (30) days after the public meeting, unless agreement is reached by the applicant and the Planning and Zoning Commission to table the matter until the next meeting. Failure of the Planning and Zoning Commission to submit its recommendation within the prescribed time shall be deemed approval by such Commission of the proposed change or amendment, except when the matter has been tabled.

(g) After fifteen (15) days' notice and a public hearing, the Town Council may approve, modify and approve, or deny an amendment to the Zoning Ordinance upon the Planning and Zoning Commission's recommendations by a majority vote of its members. The Town Council shall take action within forty-five days, after receiving recommendations from the Planning and Zoning Commission. All action taken by the Town Council in approving a zoning amendment shall be in the form of an ordinance.

10-1705. APPEALS. The decision of the Cokeville Planning and Zoning Commission may be appealed to the Town Council by any person aggrieved or affected by any decisions of the Planning and Zoning Commission or its authorized representative. Such appeal shall be made within ten (10) days from the date of the action being appealed by filing a notice of appeal with the Town Council. The Planning and Zoning Commission shall forthwith transmit to the Town Council all papers constituting the record of the action being appealed.

10-1706. STAYS. An appeal of a decision by the Cokeville Planning and Zoning Commission or its authorized representative shall stay all proceedings in furtherance of the action appealed, unless the Planning and Zoning Commission or its authorized representative shall certify to the Town Council, after notice of appeal has been filed with both of them, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by the Town Council or by a court of record on application or notice to the Planning and Zoning Commission or its authorized representative, and on due cause shown.

10-1707. VARIANCES.

(a) Variances from the strict application of the regulations of this Ordinance may be granted where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of this Ordinance, or by reason of exceptional topographic conditions or extraordinary and exceptional situation or condition of such piece of property, the strict application of the provision of this Ordinance would result in undue hardships upon the owner of the property. The Cokeville Town Council may authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

(b) Any variance granted by the Cokeville Town Council pursuant to the provisions of this section, shall be construed to be a non-conforming use.

(c) The fact that an owner could realize a greater financial return by using his property contrary to zoning regulations is not a sufficient reason for granting a variance.

(d) Every variance granted by the Cokeville Town Council shall be based on the specific findings, supported by written evidence and a photograph of the specific problem where applicable.

(e) A variance shall be nothing more than a minimal easing of the standards or requirements.

10-1708. LEGAL ACTION. In case any building or structure is, or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is proposed to be used in violation of any provision of this ordinance, or any amendment thereof, the Town Council of Cokeville, Wyoming and the attorney for the Town of Cokeville, or any owner of real estate within the zoned areas, in addition to other remedies provided by law, may institute an injunction, mandate, statement or any other appropriate action to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use. Appeals from judgments rendered in any

action instituted to enforce this Ordinance shall be permitted and shall be in accordance with the general appeals provisions of Wyoming Rules of Civil Procedure.

10-1709. **LIABILITY FOR DAMAGES.** This Ordinance shall not be construed to hold the Town of Cokeville responsible for any damage to persons or property for reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect for reason of issuing authorization in the administration and enforcement of this Ordinance.

10-1710. **BUILDING PERMITS.**

(a) The Cokeville Town Council shall enforce the most recent edition of the International Building Code. The Building Inspector, appointed under the provisions of the Building Code, is hereby designated and authorized as the officer charged with the enforcement of this Ordinance, but the Town Council of Cokeville, by resolution or Ordinance, may from time to time entrust such administration in whole or in part, to any other officer of Cokeville without amendment to this Ordinance.

(b) Building permit applications shall be filled out by contractor, authorized agent, or owner of land and be submitted to the Building Inspector before initiating construction. Such permit becomes null and void if work or construction authorized is not commenced within one hundred and twenty (120) days.

(c) The applicant for a Building Permit shall prepare a site plan, except where the Building Permit concerns interior or exterior changes with no alteration of the building's dimensions. The site plan shall be drawn to scale and show all existing and proposed buildings, utility rights-of-way, fences, landscaping, automobile parking and loading areas, and any other information the Planning and Zoning Commission may deem necessary.

(d) Building permits and site plans shall be submitted to the Cokeville Planning and Zoning Commission for review.

10-1711. **LICENSING.** All officials and public employees of The Town of Cokeville which are vested with the duty or authority to issue permits or licenses shall enforce the provisions of this Ordinance. Any permit or license issued and used in conflict with the provisions of this Ordinance shall be null and void.

10-1712. **ENFORCEMENT AND PENALTIES.**

(a) It shall be the responsibility of the Cokeville Town Council and its authorized agent, the Cokeville Planning and Zoning Commission, to administer the Cokeville Zoning Ordinance.

(b) No person shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or use of land in violation of this Ordinance or amendment thereto.

(c) The Planning and Zoning Commission shall declare each zoning violation a nuisance and order, in writing, correction of all conditions which are found to be in violation of this Ordinance. All violations shall be corrected within a period of thirty (30) days after the written

order is issued or in a longer period of time as indicated by the Planning and Zoning Commission. Any violations not corrected within the specified period of time shall be prosecuted.

(d) Any person who violates this Ordinance may be punishable as provided for in 1-108 of the Revised Ordinances of the Town of Cokeville, as amended. Each day's continuance of such violation shall be deemed to be a separate offense.

TITLE X

ZONING

CHAPTER 18

Residential Animal District (R-A)

10-1801. PURPOSE. To establish a new zoning classification to provide appropriate locations for residential living, while allowing the seasonal keeping of farm type animals for the purpose of recreation.

10-1802. PERMITTED USES.

- (a) Single- and two-family dwellings.
- (b) Home occupations.
- (c) Parks and playgrounds.
- (d) Use of farm type animals for recreational use in accordance with the regulations and requirements set forth herein in Section 10-1801 through 10-1811.

10-1803. CONDITIONAL USES.

- (a) Planned unit developments.
- (b) Churches and public libraries.
- (c) Educational institutions.
- (d) Hospitals, clinics, and day care centers.
- (e) Public utilities and facilities.
- (f) Parking lots for Permitted or Conditional Uses.

10-1804. ACCESSORY USES.

- (a) Meets the requirements under the definition Accessory Use as contained in Title X, Chapter 3, Section 10-301; and, in addition;
 - (i) Does not include residential occupancy.
 - (ii) It operated wholly or partly within the structure containing the Permitted Use, the gross floor area utilized by the Accessory Use shall not exceed thirty percent (30%) of the gross floor area of the Permitted Use.
 - (iii) If in a separate, detached structure from a Permitted Use, the gross floor area devoted to the Accessory Use shall not exceed the gross floor area of the Permitted Use.

10-1805. LOT AND YARD REQUIREMENTS FOR RESIDENCE.

- (a) All residence lots shall have Town approved water supply and sewage systems.

- (b) Minimum Lot area and width:

Minimum lot area	6,500 sq. ft. (603.87 m.)
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Minimum lot width 60 ft. (18.29 m.)

(c) Minimum yards:

	<u>Main Building</u>
Front	20 ft. (6.10)
Side	10 ft. (3.05 m)
Rear	20 ft. (6.10 m)
Corner	20 ft. (6.10 m.)

(d) Side Yards. Accessory buildings shall have a minimum side yard of 15 feet (4.57 m). Accessory buildings located at least 10 feet (3.05 m) behind the main building may have a side yard of one foot (.305 m) except that the street yard of a corner lot shall be a minimum of 20 feet (6.10 m) from main and accessory buildings.

(e) Rear Yards. Accessory buildings located at least 10 feet (3.05 m) behind the main building may have a rear yard of one foot (.305 m) provided that on corner lots which have the rear lot line on the side yard of another lot shall have a setback of 10 feet (3.05 m).

(f) Maximum Building Height.

- | | |
|-------------------------|---------------------|
| (1) Main building: | 35 feet (10.67 m.). |
| (2) Accessory building: | 35 feet (10.67 m.). |

10-1806. LOT AND YARD REQUIREMENTS FOR LIVESTOCK UNITS:

(a) A lot designated for the purpose of livestock containment may not have buildings used for residential purposes located thereon.

(b) Accessory buildings located in livestock containment areas must be used for the care and keeping of livestock animals.

(c) A minimum of three-fourth's (3/4) acre will be required for the first livestock unit located thereon. An additional one-half (1/2) acre will be required for each additional livestock unit located thereon.

(d) The lot and yard required for a residence may not be used to calculate the square footage required for a livestock unit to be allowed on a lot.

10-1807. LIVESTOCK CLASSIFICATIONS.

(a) Livestock allowed in R-A zoning classifications shall be classified in terms of units as follows:

<u>ANIMAL / LIVESTOCK</u>	<u>NUMBER OF UNITS</u>
(2) horses	one unit
(2) cows	one unit
(2) sheep	one unit

- | | |
|-----------------------------|----------|
| (5) fowl in any combination | one unit |
| (2) goats or llamas | one unit |

10-1808. FENCING REQUIREMENTS:

(a) Fencing Requirements for lots on which animals are located:

(1) A fence shall be constructed for lots on which animals are located of one or more of the following materials:

- (a) Chain link
- (b) Barbed wire
- (c) Sheep net
- (d) Wood (i.e., post, pole, plank etc.)

(b) Barbed wire and/or sheep net will not be permitted when the adjoining property is not also zoned (R-A) or Agriculture. Barbed wire and/or sheep net will be permitted when the adjoining property is zoned Agriculture or (R-A).

(c) Set back requirements. There will be no set back requirements when adjoining property is zoned Agriculture or (R-A). When the adjoining property is not zoned (R-A) or Agriculture, the front, rear and side yards must be fenced with one or more of the following: Chain link, and or wood (i.e., post, pole, plank etc.) A setback of 10 feet is required for the protection of adjoining property when said adjoining property is not zoned (R-A) or Agriculture. A fence shall completely enclose all of the required square feet for each livestock unit. Corner lots with an intersecting street must have a setback of 30 feet from property owner's corner marker in both directions.

(d) Minimum and maximum fence height requirements. The minimum height requirements for side, front and rear fences shall be four (4) feet. The maximum height requirements for front fences shall be four (4) feet. The maximum height requirements for side and rear fences shall be six (6) feet.

(e) Prohibitions relating to fence and lot usage.

(1) No lots on which animal/livestock are located shall be enclosed by electric fencing.

(2) No livestock animal units shall be kept outside of a permitted livestock area by the use of electric fences and/or staking on a rope.

10-1809. SPECIAL REQUIREMENTS.

(a) Applications for R-A Zoning. Application forms for R-A zoning shall be made available at the office of the Clerk of the Town of Cokeville and submitted to the Cokeville Town Clerk. Zoning Permits shall be issued after they have been presented to the Planning and Zoning Commission and after approval by the Cokeville Town Council in accordance with the Revised Ordinances of the Town of Cokeville.

(b) Livestock watering requirements. Watering of livestock under R-A zoning must conform to existing city watering ordinances.

(c) Hay storage requirements:

- (1) All hay must be stored at the back of a livestock lot unless it is stored inside a building located on a livestock lot.
- (2) The lot containing the residence may not store hay for use on a livestock lot.
- (3) A maximum of two tons of hay may be kept on the livestock lot at a time.

(d) Owners and users of livestock lots and livestock allowed pursuant to R-A Zoning shall be required to comply with all applicable laws and ordinances of the Town of Cokeville and the State of Wyoming, including but not limited to those relating to nuisance and maintenance requirements.

(e) Application of R-A Zoning to Grandfather Status. At the time of application for R-A Zoning, any person possessing grandfather status relative to livestock/animal property rights covered under the R-A zoning classification for the use and purpose for which this ordinance is enacted as outlined in Section 10-1801, must sign a waiver relinquishing grandfather rights to his or her property relative to livestock/animal recreational property usage for the use and purpose outlined in Section 10-1801 et seq. Those persons possessing the grandfather status referred to herein, shall have one (1) year from the date of their application for R-A zoning, to meet those regulations as outlined herein.

10-1810. GENERAL REGULATIONS. Use of land in R-A Zoning District shall also conform to all the requirements of Chapter 16 of this Ordinance.

10-1811. SITE PLAN APPROVAL.

- (a) Required for all Permitted Uses.
- (b) Required for all Conditional Uses.

10-1812. SEVERABILITY. If for any reason, any part, section, sentence, clause or phrase of this ordinance or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

TITLE XI

AIRPORT

Chapter 1 Municipal Airport Board Organization

11-101 Entire Chapter repealed, 2003

Chapter 2 Municipal Airport Zoning

11-201 Definitions

- (a) Airport
- (b) Airport Elevation
- (c) Approach Surface
- (d) Approach, Transitional, Horizontal, and Conical Zones
- (e) Board of Adjustment
- (f) Conical Surface
- (g) Hazard to Air Navigation
- (h) Height
- (i) Heliport Primary Surface
- (j) Horizontal Surface
- (k) Larger Than Utility Runway
- (l) Non-Conforming Use
- (m) Non-Precision Instrument Runway
- (n) Obstruction
- (o) Person
- (p) Precision Instrument Runway
- (q) Primary Surface
- (r) Runway
- (s) Structure
- (t) Transitional Surfaces
- (u) Tree
- (v) Utility Runway
- (w) Visual Runway

11-202 Airport Zones

- (a) Utility Runway Visual Approach Zone
- (b) Utility Runway Non-Precision Instrument Approach Zone
- (c) Runway Larger Than Utility Visual Approach Zone
- (d) Runway Larger Than Utility with a Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone
- (e) Runway Larger Than Utility with a Visibility Minimum as Low As 3/4 Mile Non-Precision Instrument Approach Zone
- (f) Precision Instrument Runway Approach Zone
- (g) Heliport Approach Zone
- (h) Transitional Zones
- (l) Heliport Transitional Zones

- (j) Horizontal Zone
- (k) Conical Zone
- 11-203 Airport Zone Height Limitations
 - (a) Utility Runway Visual Approach Zone
 - (b) Utility Runway Non-Precision Instrument Approach Zone
 - (c) Runway Larger Than Utility Visual Approach Zone
 - (d) Runway Larger Than Utility with a Visibility Minimum Greater Than 3/4 Mile Non-Precision Instrument Approach Zone
 - (e) Runway Larger Than Utility with a Visibility Minimum as Low As 3/4 Mile Non-Precision Instrument Approach Zone
 - (f) Precision Instrument Runway Approach Zone
 - (g) Heliport Approach Zone
 - (h) Transitional Zones
 - (i) Heliport Transitional Zones
 - (j) Horizontal Zone
 - (k) Conical Zone
 - (l) Excepted Height Limitations
- 11-204 Use Restrictions
- 11-205 Non-Conforming Use
- 11-206 Permits
- 11-207 Enforcement
- 11-208 Board of Adjustment
- 11-209 Appeals
- 11-210 Judicial Review
- 11-211 Penalties
- 11-212 Conflicting Regulations
- 11-213 Severability

TITLE XI

AIRPORT

Chapter 1

Municipal Airport Board Organization

11-101 Entire chapter repealed, 2003

TITLE XI

AIRPORT

Chapter 2

Municipal Airport Zoning

11-201. DEFINITIONS. As used in this Chapter, unless the context otherwise requires:

- (a) AIRPORT: Town of Cokeville Municipal Airport.
- (b) AIRPORT ELEVATION: The highest point of any airport's usable landing area measured in feet from sea level.
- (c) APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 11-203 of this Chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (d) APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES: These zones are set forth in Section 11-202 of this Chapter.
- (e) BOARD OF ADJUSTMENT: The Mayor and Town Council for the Town of Cokeville shall sit as a Board of Adjustment.
- (f) CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
- (g) HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (h) HEIGHT: For the purpose of determining the height limits in all zones set forth in this Chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (i) HELIPORT PRIMARY SURFACE: The area of the primary surface coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
- (j) HORIZONTAL SURFACE: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- (k) LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
- (l) NON-CONFORMING USE: Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Chapter.
- (m) NON-PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.
- (n) OBSTRUCTION: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 11-203 of this Chapter.
- (a) PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

- (p) **PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
- (q) **PRIMARY SURFACE:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 1-1-202 of this Chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (r) **RUNWAY:** A defined area on an airport prepared for landing and take-off of aircraft along its length.
- (s) **STRUCTURE:** An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
- (t) **TRANSITIONAL SURFACES:** These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
- (u) **TREE:** Any object of natural growth.
- (v) **UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
- (w) **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

11-202. **AIRPORT ZONES.** In order to carry out the provisions of this Chapter, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Town of Cokeville Municipal Airport. Such zones are shown on Town of Cokeville Municipal Airport Zoning map consisting of _____ sheets, prepared by _____, and dated _____ 1978, which is attached to this Chapter and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- (a) **UTILITY RUNWAY VISUAL APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to be a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (b) **UTILITY RUNWAY NON-PRECISION INSTRUMENT APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (c) **RUNWAY LARGER THAN UTILITY VISUAL APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet

wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(d) **RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN 3/4 MILE NON-PRECISION INSTRUMENT APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(e) **RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS 3/4 MILE NON-PRECISION INSTRUMENT APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(f) **PRECISION INSTRUMENT RUNWAY APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(g) **HELIPORT APPROACH ZONE:** The inner edge of this approach zone coincides with the width of the primary surface and is _____ feet wide. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.

(h) **TRANSITIONAL ZONES:** The transitional zones are the areas beneath the transitional surfaces.

(i) **HELIPORT TRANSITIONAL ZONES:** These zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.

(j) **HORIZONTAL ZONE:** The horizontal zone is established by swinging arcs of _____ feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(k) **CONICAL ZONE:** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline. there from a horizontal distance of 4,000 feet.

11-203. **AIRPORT ZONE HEIGHT LIMITATIONS.** Except as otherwise provided in this Chapter, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this Chapter to a height in excess of the applicable height limit herein established for such zones. Such applicable height limitations are hereby established for each of the zones in question as follows:

(a) **UTILITY RUNWAY VISUAL APPROACH ZONE:** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(b) **UTILITY RUNWAY NON-PRECISION INSTRUMENT APPROACH ZONE:** Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same

elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(c) RUNWAY LARGER THAN UTILITY VISUAL APPROACH ZONE: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

(d) RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN 3/4 MILE NON-PRECISION INSTRUMENT APPROACH ZONE: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(e) RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS 3/4 MILE NON-PRECISION INSTRUMENT APPROACH ZONE: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(f) PRECISION INSTRUMENT RUNWAY APPROACH ZONE: Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

(g) HELIPORT APPROACH ZONE: Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.

(h) TRANSITIONAL ZONES: Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is _____ feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5000 feet measured at 90-degree angles to the extended runway centerline.

(i) HELIPORT TRANSITIONAL ZONES: Slope two (2) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the heliport approach zones and extending a distance of 250 feet measured horizontally from and at 90-degree angles to the primary surface centerline and heliport approach zones centerline.

(j) HORIZONTAL ZONE: Established at 150 feet above the airport elevation or at a height of _____ feet above mean sea level.

(k) CONICAL ZONE: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(l) EXCEPTED HEIGHT LIMITATIONS: Nothing in this Chapter shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to _____ feet above the surface of the land.

11-204. USE RESTRICTIONS. Notwithstanding any other provisions of this Chapter, no use may be made of land or water within any zone established by this Chapter in such a manner as to create

electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. Nor shall any plane of a gross weight over 10,000 pounds be permitted to land on the runway except under emergency circumstances when the pilot and/or his passengers will suffer physical Injury unless permitted to land.

11-205. NON-CONFORMING USES.

(a) The regulations prescribed by this Chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Chapter, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Chapter, and is diligently prosecuted.

(b) Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Town of Cokeville.

11-206. PERMITS.

(a) Except as specifically provided in (1), (2), and (3) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Chapter shall be granted unless a variance has been approved in accordance with Section 11-206(d).

(1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

(2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or

structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Chapter except as set forth in Section 11-203(1).

(b) No permit shall be granted that would allow the establishment or creation of an obstruction or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Chapter or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c) Whenever the Town Council determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limits or otherwise deviate from the zoning regulations.

(d) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Chapter, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Chapter. Additionally, no application for variance to the requirements of this Chapter may be considered by the Board of Adjustment unless the application shows the aeronautical effects of the variance.

(e) Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Town of Cokeville at its own expense, to install, operate and maintain the necessary markings and lights.

11-207. ENFORCEMENT. It shall be the duty of the Town Council to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Town Council upon a form published for that purpose. Applications required by this Chapter to be submitted to the Town Council shall be promptly considered and granted or denied.

11-208. BOARD OF ADJUSTMENT.

(a) There is hereby created a Board of Adjustment to have and exercise the following powers:

(1) to hear and decide appeals in the enforcement of this Chapter;

- (2) to hear and decide special exceptions to the terms of this Chapter upon which such Board of Adjustment under such regulations may be required to pass; and
 - (3) to hear and decide specific variances.
- (b) The Board of Adjustment shall consist of the Mayor and Town Council for the Town of Cokeville.
- (c) The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Chapter. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson or, in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Town Clerk
- (d) The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Chapter.
- (e) The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the Cokeville Airport Board or decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect variation to this Chapter.

11-209. APPEALS.

- (a) Any person aggrieved, or any taxpayer affected, by any decision made in the administration of this Chapter, may appeal to the Board of Adjustment.
- (b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Town Council a notice of appeal specifying the grounds thereof.
- (c) An appeal shall stay all proceedings in furtherance of the action appealed, unless by reason of the facts stated in the certificate a stay would, in the opinion of the Town Council, cause imminent peril to life or property.
- (d) The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- (e) The Board of Adjustment may, in conformity with the provisions of this Chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as may be appropriate under the circumstances.

11-210. JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the District Court of the Third Judicial District in and for Lincoln County as provided in the Wyoming Administrative Procedures Act.

11-211. PENALTIES. Each violation of this chapter or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable as provided in Section 1-108, as amended, of the Revised Ordinances of Cokeville. Each day's continuance of such violation shall be deemed to be a separate offense.

11-212. CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this Chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

11-213. SEVERABILITY. If any of the provisions of this Chapter or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are declared to be severable.