

L A R A M I E C O U N T Y

N U I S A N C E

R E G U L A T I O N S

Laramie County Environmental Health
City/County Health Department
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RESOLUTION 911217-02

LARAMIE COUNTY NUISANCE REGULATIONS

WHEREAS the Board of Laramie County Commissioners is empowered by the laws of the State of Wyoming to regulate and restrict the location and use of buildings and structures, and the use, condition, or occupancy of lands in the unincorporated areas of Laramie County; and

WHEREAS the Board of Laramie County Commissioners recognizes the need for regulations defining nuisances and to provide for their abatement, both pursuant to its general authority and pursuant to statute; and

WHEREAS the Board of Laramie County Commissioners has determined that the Nuisance Regulations attached hereto are in conformance with the public needs and will serve to promote the public health, safety, and well-being;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Laramie County, State of Wyoming, that Resolution No. 820810/03, which adopted the 1982 Laramie County Nuisance Regulations, is hereby repealed and the Laramie County Nuisance Regulations attached hereto and incorporated herein by this reference, are approved, adopted, and enacted as hereafter set forth on this ____day of _____, 1991.

Chairman of the Board
Laramie County, Wyoming

Commissioner
Laramie County, Wyoming

Commissioner
Laramie County, Wyoming

ATTEST:

LARAMIE COUNTY NUISANCE

ENFORCEMENT PROGRAM

POLICY STATEMENT

Wyoming State Law directs Counties to establish land use plans. The Laramie County Comprehensive Land Use Plan, 1982 establishes policies and guidelines for land use conditions within Laramie County. Recognizing that deviations from these land use conditions are detrimental to a safe, healthy, and prosperous community, the Laramie County Board of Commissioners hereby expresses interest in promoting a Nuisance Enforcement Program and directs staff to develop a strategic plan for affirmative implementation that emphasizes uniform and positive direction, community pride and education and which promotes, protects, and preserves the health, safety, and general welfare of the community through the Laramie County Nuisance Regulations.

A Personal Message From The Commissioners:

The main goal and concern of the Board of County Commissioners of Laramie County is to develop and create pride in Laramie County - even more importantly - pride in individual neighborhoods. The purpose of these regulations, as adopted, is to encourage the public to voluntarily maintain their homes and properties so as to promote community health, safety, and well-being. This can be achieved mainly by creating a cooperative spirit and emphasizing voluntary compliance. The Laramie County Board of Commissioners sincerely hope that everyone is concerned with the health, safety, and well-being of our community and will take part in building pride and integrity in the neighborhood unit so that together, we can build a brighter, more prosperous Laramie County.

Section II - A

NUISANCE CONTROL & ABATEMENT REGULATIONS

GENERAL DEFINITION OF NUISANCE:

A "Nuisance " is defined as any use or non-use of property, real or personal, which produces to others a material injury or which endangers life or health, or which is otherwise defined at common law, state statute, or herein.

A "Nuisance" is further defined as the keeping, storage, depositing, or accumulation on the premises for an unreasonable period of time of any personal property or materials, including but not limited to abandoned, wrecked, dismantled or inoperative vehicles, or mobile homes, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, rubbish, liquid, chemical, or solid waste, weed growth or debris which by its presence or manner of storage presents a clear threat to public health, safety, and welfare. (See Section III for specific definitions).

Section II - B

PROHIBITED:

It shall be unlawful for any person to maintain or permit the existence of any nuisance upon property within the boundaries of the unincorporated areas of Laramie County.

Nothing in these regulations shall preempt, supersede, or cause not to be enforced any Federal or State laws, Regulation, or requirements pertaining to public health, safety, or welfare.

Section II - C

ABATEMENT:

It shall be the responsibility of the owner or owners of the property involved to abate any nuisance within the time designated upon notification by the County.

Section II - D

ENUMERATION NOT EXCLUSIVE:

No person shall permit any building, grounds, vehicle, or premises to be maintained in such condition as to create a nuisance. *The various nuisances hereinafter described and enumerated shall not be deemed to be exclusive, but shall be in addition to all prohibited by state statute, ordinance or regulation, or as defined as nuisance at common law.*

Section II - E

ENFORCEMENT

I. ENFORCEMENT AUTHORITY:

It shall be the responsibility of the Health Officer, County Engineer, Sheriff, Fire District Chief, or other county officials so designated by the Board of County Commissioners to serve or cause to be served a written notice upon the owner of any premises on which a nuisance is permitted to exist in violation of the provisions of these regulations and to request the abatement of the nuisance within the period of time prescribed by these regulations.

II. BOARD OF APPEALS:

1. In order to hear and decide appeals of orders, decisions or determinations made by an enforcement authority relative to the application and interpretation of these Nuisance Regulations, there shall be and is created a Board of Appeals, consisting of members of the Board of County Commissioners of Laramie County.

2. The Board of County Commissioners of Laramie County may appoint a board consisting of residents of the county to serve as a Board of Appeals and may establish procedures for such board.

Section II - F

ENFORCEMENT POLICY:

Laramie County establishes the following policy with regard to the scope of the corrective action:

When a nuisance complaint is found to be valid, Laramie County

will make every effort to resolve the violation by informal discussion and notification prior to action being taken in accordance with Section II - G.

Laramie County will take corrective action on all complaints that affect the public health, safety and well being; but will not initiate corrective action as to issues that have basis in private social, economic, or cultural life style differences unless the situation can be substantiated under these regulations to be one that obviously infringes on the health, safety, or well-being of others. Enforcement authorities will not respond to situations that are reflective of personal neighborhood disputes arising from such differences or other causes. In all such instances the citizen has the responsibility for taking corrective legal action through the appropriate process.

When a complaint has been found to be invalid by the enforcement authority, the complaining party shall be required to file a written complaint on form LC-0101NC. Burden of proof that a threatening health, safety, or welfare condition exists shall be the responsibility of the complaining party when complaints are found to be invalid or are of a repetitive nature or are obviously personal neighborhood disputes.

Section II - G

NOTICE AND ORDERS OF ENFORCEMENT AUTHORITIES

- I. The Enforcement Authorities are hereby authorized to abate any nuisance existing in the County, whether or not such nuisance is one specifically enumerated in these regulations.
- II. Notice and Order: The enforcement authority shall issue a notice and order directed to the record owner of the property on which a nuisance is located. The notice and order shall contain:
 - A. The street address and a legal description sufficient for identification of the premises upon which the nuisance is located.
 - B. A statement that the enforcement authority has found a public nuisance with a brief and concise description of the nature of the violation.
 - C. A statement of the action required to be taken as determined by the enforcement authority.
 - D. Statements advising that if any required correction work is not commenced within the time specified, the enforcement authority may proceed to cause the work be done and charge the

costs thereof against property owner, or may proceed with other remedies available at law.

Section II - G - Cont.

NOTICE AND ORDERS OF ENFORCEMENT AUTHORITIES

E. Statements advising (i) that any person having any record title or legal interest in the property may appeal from the notice and order or any action of the enforcement authority to the Board of County Commissioners, provided the appeal is made in writing as provided in these regulations and filed with the enforcement authority within 30 days of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right administrative hearing and determination of the matter.

- III. Service of Notice and Order: The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the enforcement authority disclosed from the official public records: (A) The holder of any mortgage or deed of trust or other lien or encumbrance of record; (B) the owner or holder of any lease of record; (C) and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the enforcement authority to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.
- IV. Method of Service: Service of the notice and order shall be made upon all persons entitled thereto either personally or mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the enforcement authority. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
- V. Proof of Service: Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the enforcement authority.

Section II - G - Cont.

NOTICE AND ORDERS OF ENFORCEMENT AUTHORITIES

- VI. Recordation of Notice and Order: If compliance with the order *has not been obtained* within the time specified therein, and no appeal has been properly and timely filed, the enforcement authority shall file in the office of the County Clerk a certificate describing the property and certifying (i) that a public nuisance exists and (ii) that the owner has been so notified. Whenever the correction order shall thereafter have been completed on the property described in the certificate, the enforcement authority shall file a new certificate with the County Clerk certifying that all required corrections have been made.

Section II - H

APPEAL

- I. Form of Appeal: Any person entitled to service under Section II - G may appeal from any notice and order or any action of the enforcement authority under these regulations by filing at the office of the enforcement authority a written appeal containing:
- A. A heading in the words: "Before the Board of County Commissioners of Laramie County of..."
 - B. A caption reading: "Appeal of...", giving the names of all appellants participating in the appeal.
 - C. A brief statement setting forth the legal interest of each of the appellants in the structure or the land involved in the notice and order.
 - D. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
 - E. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.

- F. The signatures of all parties named as appellants and their official mailing addresses.

Section II - H Cont.

APPEAL

- G. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the enforcement authority provided, however, that if the nuisance is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property such appeal shall be filed within 10 days from the date of the service of the notice and order of the enforcement official.

- II. Processing of Appeal: Upon receipt of any appeal filed pursuant to this section, the enforcement authority shall present it at the next regular or special meeting of the Board of County Commissioners.
- III. Scheduling and Noticing Appeal for Hearing: As soon as possible after receiving the written appeal, the Board shall fix a date, time, and place for the hearing of the appeal by the Board. Such date shall not be less than 10 days nor more than 60 days from the date the appeal was filed with the enforcement authority. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the secretary of the Board, either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.
- IV. Effect of Failure to Appeal: Failure of any person to file an appeal in accordance with the provisions of these regulations shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or any portion thereof.
- V. Scope of Hearing on Appeal: Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- VI. Staying of Order under Appeal: Enforcement of any notice and order of the enforcement authority issued under these regulations shall be stayed during the pendency of an appeal therefrom which

is properly and timely filed.

Section II - I

PROCEDURES FOR CONDUCT OF HEARING APPEALS

- I. Record: A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the board.
- II. Continuances: The board may grant continuances for good cause shown.
- III. Oaths - Certification: In any proceedings under this chapter, the board and any board member has the power to administer oaths and affirmations and to certify to official acts.
- IV. Reasonable Dispatch: The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.
- V. Form of Notice of Hearing: The notice to appellant shall be substantially in the following form, but may include other information:

"You are hereby notified that a hearing will be held before The Board of County Commissioners of Laramie County at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefore with the Board."

- VI. Subpoenas: The board may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefore which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in possession or under control. A subpoena need not be issued when the affidavit is defective in any particular.
- VII. Conduct of Hearing: Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

Section II - I - Cont.

PROCEDURES FOR CONDUCT OF HEARING APPEALS

- VIII. Oral Evidence: Oral evidence shall be taken only on oath or affirmation.
- IX. Hearsay Evidence: Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
- X. Admissibility of Evidence: Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
- XI. Exclusion of Evidence: Irrelevant and unduly repetitious evidence shall be excluded.
- XII. Rights of Parties: Each party shall have these rights, among others:
1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 2. To introduce documentary and physical evidence;
 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 4. To impeach any witness regardless of which party first called the witness to testify;
 5. To rebut the evidence;
 6. To be represented by anyone who is lawfully permitted to do so.
- XIII. Inspection of the Premises: The board may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the board shall state for the record, upon completion of the inspection, the material facts observed and the

conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the board.

Section II - I - Cont.

PROCEDURES FOR CONDUCT OF HEARING APPEALS

- XIV. Method and Form of Decision: When a contested case is heard before the board, a member thereof who did not hear the evidence or has not read the entire record of the proceedings shall not vote on or take part in the decision.
- XV. Findings for a Nuisance: If a nuisance is found to exist, the decision shall specify:
1. The nature of the property, whether real or personal, which constitutes the nuisance; and
 2. What use or non-use of the property constitutes the nuisance; and
 3. What endangerment to life, safety, health, or welfare exists as a result of the use or non-use of the property.
- XVI. Form of Decision: The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested.
- XVII. Effective Date of Decision: The effective date of decision shall be as stated therein.
- XVIII. Judicial Review of Board's Action: An aggrieved party may appeal the decision of the Board by filing an appeal with the District Court for Laramie County. Such appeal shall be made and perfected pursuant to the laws and rules governing appeals of agency decisions to district courts.

Section II - J

ENFORCEMENT OF THE ORDER OF THE ENFORCEMENT AUTHORITY OR THE BOARD OF COUNTY COMMISSIONERS

- I. Nuisance Abatement: The enforcement authority may, in addition to any other remedy at law, cause the nuisance to be abated. Any such repair or correction work shall be accomplished and the cost thereof paid and recovered in the manner hereinafter provided in these regulations. Any surplus realized from the sale of any

property, from the demolition thereof, over and above the cost of demolition and of cleaning the property, shall be paid over to the person or persons lawfully entitled thereto.

Section II - J Cont.

ENFORCEMENT OF THE ORDER OF THE ENFORCEMENT AUTHORITY OR THE BOARD OF COUNTY COMMISSIONERS

- II. Extension of time to perform work: Upon receipt of an application from the person required to conform to the order and by agreement of such person to comply with the order if allowed additional time, the enforcement authority may grant an extension of time, not to exceed an additional 120 days, within which to complete said repair, rehabilitation or abatement, if the enforcement authority determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.

The enforcement authority's authority to extend time is limited to the physical repair, rehabilitation or abatement of the nuisance and will not in any way affect the time to appeal the notice and order. If the order is appealed, the Board of Appeals may elect to grant additional extensions of time for good cause shown through the appeals procedure, Section II-I.

Section II - K

PERFORMANCE OF WORK OF REPAIR OR ABATEMENT:

- I. Procedure: When any work of repair or abatement is to be done pursuant to these regulations, the enforcement authority shall issue an order to the County Engineer, and the work shall be accomplished by personnel of this jurisdiction or by private contract under the direction of the County Engineer. Plans and specifications therefore may be prepared by the County Engineer or the County Engineer may employ such architectural and engineering assistance on a contract basis as deemed reasonably necessary. Work is to be accomplished by private contract when the amount has been estimated at \$5,000 or more and standard public works contractual procedures will be followed which include solicitation of bids and a preference for *Wyoming labor*.
- II. Costs: The cost of such work shall be paid from a nuisance abatement fund and may be made a special assessment against the property involved or may be made a personal obligation of the property owner, whichever the Board of County Commissioners shall determine is appropriate.

Section II - K Cont.

PERFORMANCE OF WORK OF REPAIR OR ABATEMENT:

- III. Nuisance Abatement Fund: The Board of County Commissioners shall establish a special revolving fund to be designated as the nuisance abatement fund. Payments shall be made out of said fund upon the demand of the enforcement authority to defray the costs and expenses which may be incurred by this jurisdiction in doing or causing to be done the necessary work of abating public nuisances. *A good faith effort shall be made to support and provide funding through grant assistance, low interest loans, recycling programs, and special accounts as they become available and can be utilized.*
- IV. Maintenance of Fund: The Board of County Commissioners may at any time transfer to the nuisance abatement fund, out of any money in the general fund of this jurisdiction, such sums as it may deem necessary in order to expedite the performance of the work of repair or abatement and any sum so transferred shall be deemed a loan to the nuisance abatement fund and shall be repaid out of the proceeds of the collections hereinafter provided for. All funds collected under the proceedings hereinafter provided for shall be paid to the Treasurer of this jurisdiction who shall credit the same to the nuisance abatement fund.

Section II - L

RECOVERY OF COST OF REPAIR OR ABATEMENT:

- I. Account of Expense and Filing of Report: The County Engineer shall keep an itemized account of the expense incurred by this jurisdiction in the repair or abatement of any nuisance done pursuant to the provisions of these regulations. Upon the completion of the work of repair or abatement, the County Engineer shall prepare and file with the County Clerk, a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the nuisance was located and the names and addresses of the persons entitled to notice pursuant to Section II-G.

Section II - L Cont.

RECOVERY OF COST OF REPAIR OR ABATEMENT:

- II. Notice of Hearing: Upon receipt of said report, the County Clerk shall present it to the Board of County Commissioners for consideration. The Board shall fix a time, date, and place for hearing said report and any protests or objections thereto. The County Clerk shall cause notice or said hearing to be posted upon the property involved, published once in a newspaper of general circulation in this jurisdiction, and served by certified mail, postage prepaid, addressed to the owner of the property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the clerks. Such notice shall be given at least 10 days prior to the date set for the hearing and shall specify the day, hour, and place when the board will hear and pass upon the report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge.
- III. Protests and Objections: Any person interested in or affected by the proposed charge may file written protest or objections with the County Clerk at any time prior to the time set for the hearing on the report. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The County Clerk shall endorse on every such protest or objection the date of receipt. The Clerk shall present such protests or objections of the Board at the time for the set hearing, and no other protests or objections shall be considered.
- IV. Hearing of Protests: Upon the day and hour fixed for the hearing, the Board shall hear and pass upon the report together with any such objections or protests. The Board may make such revision, correction, or modification in the report or the charge as it may deem just; and when the Board is satisfied with the correctness of the charge, the report (as submitted or revised, corrected, or modified) together with the charge, shall be confirmed or rejected. The decision of the Board on the report and the charge and on all protests or objections, shall be final and conclusive.
- V. Personal Obligation or Special Assessment: The Board may thereupon order that said charge shall be made a personal obligation of the property owner or assess said charge against the property involved.
 - A. Personal Obligation: If the Board orders that the charge shall be a personal obligation of the property owner, it shall direct the County Attorney to collect the same on behalf of the

jurisdiction by use of all appropriate legal remedies.
Section II - L - Cont.

RECOVERY OF COST OF REPAIR OR ABATEMENT:

- B. Special Assessment: If the Board orders that the charge shall be assessed against the property, it shall confirm the assessment and thereafter said assessment shall constitute a special assessment against and a lien upon the property.
- VI. Contest: The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 30 days after the assessment is placed upon the assessment roll as provided herein. Any appeal from a final judgment in such action or proceeding must be perfected within 30 days after the entry of such judgment.
- VII. Lien of Assessment: Immediately upon its being recorded in the Real Estate Division, Office of the County Clerk and Ex-Officio Registrar of Deeds, the assessment shall be deemed complete, the several amounts assessed shall be payable and the assessments shall be liens against the lots or parcels of land assessed, respectively. If the assessment is not paid by the owner within six (6) months after the amount has been approved by the Board and recorded, the real estate shall be sold by the County Sheriff in the manner provided by law for the sale of real estate upon execution.
- VIII. Report to Treasurer: After confirmation of the report, certified copies of the assessment and/or its recordation shall be given the treasurer of this jurisdiction.
- IX. Collection of Assessment: The amount of the assessment shall be collected by the treasurer in the manner prescribed by law.
- X. Repayment of Nuisance Abatement Fund: All money recovered by payment of the charge or assessment from the sale of the property at foreclosure sale shall be paid to the treasurer of this jurisdiction, who shall credit the same to the nuisance abatement fund.

Section III

CLASSIFICATION - DEFINITIONS - RESPONSIBILITY OF A NUISANCE

Section III - A

VEHICLES AS A NUISANCE:

A vehicle shall be declared to be a public nuisance if it is in an *inoperable condition and is not currently registered.*

An inoperable vehicle is defined as any motor vehicle which cannot be moved under its own power, or cannot be operated lawfully on a public street or highway due to the lack of an engine, transmission, wheels, tires, or is not currently registered and displaying current license or permits or when such vehicle is totally or partially suspended above the ground by jack, block, or any other lifting device.

Exemptions: The above declaration shall not apply to:

- (1) Antique or historic motor vehicles, as defined by W.S. Section 31-1-101(a) (xv) (A);
- (2) Vehicles kept in an enclosed garage or storage building;
- (3) Vehicles used for riprap on rivers, streams, or reservoirs or for erosion control;
- (4) Vehicles used for educational or instructional purposes;
- (5) Vehicles kept by licensed establishments and authorized storage yards;
- (6) Vehicles kept for hobby work.

a) The maintenance of two (2) inoperable and unregistered vehicles for renovation on property located inside the zoned boundaries of Laramie County shall not be considered public nuisance.

Note: Maintenance of three (3) or more vehicles inside the zoned area shall be considered an Auto Recycling Center and subject to the requirements of Section III-E.

b) The maintenance of four (4) or less inoperable and unregistered vehicles for renovation on property located outside the zoned boundaries of Laramie County shall not be considered public nuisance.

Section III - A - Cont.

VEHICLES AS A NUISANCE:

Note: Maintenance of five (5) or more vehicles outside the zoned area shall be considered an Auto Recycling Center and subject to the requirements of Section III-E.

- (7) Vehicles and equipment relevant to the operations of farms and ranches;

The County may abate vehicles which constitute public nuisances and collect the costs of such removal in the same manner as provided in these regulations

NOTE:

The Laramie County Sheriff's Department shall be notified when an abandoned vehicle is located on a public right-of-way.

Section III - B

BUILDINGS AND STRUCTURES AS A NUISANCE:

Any building or structure (as well as fencing and screening) shall be considered a nuisance when, for want of repair, dilapidated, defective, or other hazardous condition produces an eminent endangerment to life or health. Every person owning or incharge or control of any vacant structure shall remove all accumulations of flammable or combustible waste or rubbish and shall securely lock, barricade, or otherwise secure all doors, windows, and other openings.

The County may abate the nuisance and collect the costs of such removal in the same manner as provided in these regulations.

NOTE:

Any structure which may constitute a fire hazard shall be referred to the State Fire Marshal for abatement action.

NOTE:

ALL STRUCTURES BUILT, PLACED, OR ERECTED WITHIN THE ZONED AREA OF LARAMIE COUNTY AND OUTSIDE THE CITY LIMITS MUST FIRST OBTAIN ZONING CERTIFICATE (aka Building Permit). Fencing and screening construction

are excluded from these permit requirements.

Section III - C

DOGS/ANIMALS AS A NUISANCE:

The maintenance or harboring of hogs, cattle or domestic animals in a residential or rural subdivision is not considered to be a public nuisance unless maintained in an unsanitary manner that creates health hazards to surrounding properties. Maintenance of livestock in unplatted agricultural areas of the county shall not be considered a nuisance unless a health hazard is presented by such storage.

The Board of County Commissioners may enact regulations relative to animals running at large or acts by other animals which shall carry out the purposes of this section and as directed by Wyoming Statute.

The County may abate the nuisance and collect the costs of such in the same manner as provided in these regulations.

NOTE:

Laramie County Animal Control or Laramie County Environmental Health *will be* consulted in abatement actions.

Section III - D

JUNK AND/OR TRASH AS A NUISANCE:

Any item or collection of items stored or placed on any premises shall be considered junk and /or trash and a public nuisance if the presence or manner of storage of such item(s) presents a clear and eminent threat to public health, safety, and welfare.

Any item or collection of items stored or placed on any premises shall be considered a resource NOT junk and/or trash and a public nuisance provided:

- a) The item(s) are still in use for their intended purpose or any other reasonable purpose on those premises and it can be demonstrated that there exists no public health, safety or welfare threat; OR,
- b) The item(s) are being stored by the owner or occupant of the premises for eventual reuse on those or other premises according to a clearly demonstrated and definitive intent and plan and it can be demonstrated that there exists no public

health, safety, or welfare threat.

Section III - D

JUNK AND/OR TRASH AS A NUISANCE:

In order for condition b) to be met, the owner or occupant of the premises must file a letter of intent (*when requested*) with the enforcement authority stating, for each specific item(s), what it is to be used for and when that use will occur. If an item is being stored for an unspecified reuse to replace or repair buildings, grounds, fixtures, equipment, etc., on an "as needed" basis, the letter of intent need not anticipate when this use will occur; it need only state, for each item(s), what the intended use will be as required.

Retention of farm products, supplies, equipment, and reusable materials at a working farm or ranch shall not be considered a public nuisance as long as such items and material are kept in such a manner that would not constitute a threat to public health, safety, or welfare.

The following non-inclusive list gives examples of items that may be considered a nuisance under this section:

* Combustible materials such as paper litter, cardboard or paper piles, piles of weed or shrubbery trimmings, piles of wood, straw, hay, grass, etc., which by reason of its presence or manner of storage creates a potential fire hazard.

* Any waste petroleum or other chemical product (solid or liquid) or solid waste (rubbish) of any kind which by reason of its presence or manner of storage could contaminate surface or ground water or could inflict harm to the public directly by evaporation to the gaseous state, by burning, or direct physical contact; or, indirectly by harboring vermin transmitting diseases.

* Commercial or household appliances, equipment, or machinery such as washers, dryers, water heaters, refrigerators, tools, and manufacturing equipment, metal products, construction equipment or materials, etc. which by reason of its presence or manner of storage presents a danger to the public or regulatory agencies from collapse, fire, entrapment, burning, or harboring of dangerous chemicals, or vermin harboring disease.

* Household or commercial building parts and fixtures such as furniture, counters, tables, flooring, foundation, and wall materials, roofing materials, electrical, and mechanical systems

parts, etc., which by its presence or manner of storage presents a danger to the public or regulatory agencies from collapse, fire, entrapment, burning, or harboring of dangerous chemicals, or vermin harboring disease.

Section III - D - Cont.

JUNK AND/OR TRASH AS A NUISANCE:

The County may abate any nuisance as described above and collect the costs of such in the same manner as provided in these regulations.

Section III - E

JUNKYARD, SALVAGE YARD, AND/OR AUTO RECYCLING CENTERS AS A NUISANCE:

"Junkyard" or "Scrap Yard" is defined as an establishment where waste or used materials are bought and sold, exchanged, stored, baled, packed, dismantled, or handled, including but not limited to scrap metals, pipe tubing, casing, paper, rags, rubber tires, batteries, and bottles and which should be completely reprocessed in order to be reused, recycled, and which is actively being operated for profit. The term shall include engineered garbage dumps and sanitary landfills and recycling centers (other than auto).

A "Salvage Yard" is defined as an establishment where materials are extracted from non-usable equipment, structures, or vehicles and stored for resale.

An "Auto Recycling Center" is defined as any establishment or place of business which is maintained, used or operated for storage, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts. The term shall include licensed wrecking or towing businesses.

All "Junkyards", "Salvage Yards" and "Auto Recycling Centers" shall conform to the following safety and security conditions:

1. Storage: Combustible items shall be stored/piled separately based on their combustible nature. (Examples: Lumber and wood products, paper and cloth, tires, vehicles, and scrap metal).
2. Height: All stored items shall be stored in stable piles not to exceed twenty (20) feet in height.

NOTE: Unpurged and uncleaned fuel tanks are to be stored in piles no more than ten (10) feet in height.

3. Storage Near Property Line: Vehicles and non-combustible material may be stored within five (5) feet of a property line. Lumber, tires, and other combustible materials are to be stored no closer than ten (10) feet to a property line.
Section III - E - Cont.

JUNKYARD, SALVAGE YARD, AND/OR AUTO RECYCLING CENTERS AS A NUISANCE:

NOTE: Unpurged and uncleaned fuel tanks are not to be stored within fifty (50) feet of an adjoining property that can be built upon.

4. Access Roads: Access roads shall be maintained clear and unobstructed at all times. Aisles or passageways shall be provided to permit reasonable access for fire-fighting operations as approved by the authority having jurisdiction.
5. Grass and Weeds: Grass and weeds are to be cut, grubbed and/or eradicated as needed to prevent snake and/or rodent infestations or fire hazards.

6. Screening:

- (a) Existing facilities licensed by the state within 1000 feet of the edge of the roadway of an interstate or state primary system: Existing facilities licensed by the state within 1000 feet of the edge of the roadway of an interstate or state primary system shall conform to the screening requirements imposed by state law for a facility license under W.S. Section 33-19-105.
- (b) Existing facilities licensed by the state: Existing facilities licensed by the state on or within thirty (30) days of the date of the adoption of these regulations shall meet and maintain any screening requirements imposed by state law for a facility licensed under W.S. Section 31-13-114.

Any existing licensed facility which fails to renew its license shall conform to the screening requirements of Section III-E (c) by January 1, 1997 or within two (2) years after the license was not renewed, whichever date is later. If a facility fails to conform, it is declared to be a public nuisance.

- (c) Existing facilities not licensed by the state: Existing facilities which are not licensed by the state on or within thirty (30) days of the date of the adoption of these regulations, shall erect screening by January 1, 1997. The screening required shall be a fence or screen which

obstructs the view year-round. The screening shall be aesthetically pleasing. The screening shall be constructed at the cost of the owner.

Section III - E - Cont.

JUNKYARD, SALVAGE YARD, AND/OR AUTO RECYCLING CENTERS AS A NUISANCE:

Any existing unlicensed facility which does not conform to the provisions of these regulations by January 1, 1997, is declared to be a public nuisance.

- (d) New facilities: Any facility which does business or is licensed by the state after thirty (30) days of the date of the adoption of this resolution shall conform to the requirements regarding screening outlined in Section III-E 6 (b) of these regulations and/or any screening required by the Cheyenne/Laramie County Zoning Ordinance, 1988 or later additions. If the facility fails to conform, it is declared to be a public nuisance.

Screening is defined as a fence or screen which obstructs the view year-round and which is aesthetically pleasing.

The County may abate the nuisance and collect the costs of such in the same manner as provided in these regulations.

Section III - F

OFFENSIVE MATTER AS A NUISANCE:

The depositing, placing, creating, or dumping of any putrid or decayed animal or vegetable matter, liquid, chemical, solid waste, refuse or garbage, in a public or private place so as to create a potential health hazard shall constitute a public nuisance. Ordinary farm and ranch operations shall not be considered to be a nuisance provided they are in compliance with public health and safety requirements.

The County may abate the nuisance and collect the costs of such in the same manner as provided in these regulations.

NOTE:

Laramie County Environmental Health shall be consulted in abatement actions.

Section III - G

WEEDS AND/OR OTHER NOXIOUS/HAZARDOUS GROWTH AS A NUISANCE:

Weeds, grass, or plants creating hazardous or health problems are deemed to be a nuisance, regardless of height. Weeds, grass, or plants clearly evident of conditions which produce snake and/or rodent infestations or fire hazards are considered to be hazardous and unhealthy.

Trees and other growth are a nuisance when overhanging roadways, which limit visual observation of traffic control devices, vehicles usage, pedestrian travelways, etc., or contribute to an unsafe condition for the public utilizing the rights-of-way. *Trees, flowers, or other ornamental plants and ordinary ranch or farm products are not considered to be a nuisance as long as such plants or products are kept in such a manner that would not constitute a threat to public health, safety, or welfare.*

Public lands that are being maintained as wildlife preserves or to promote natural wildlife habitat shall be exempt from the requirements of this section.

The County may abate the nuisance and collect the costs of such in the same manner as provided in these regulations.

NOTE:

Laramie County Weed & Pest shall be consulted in noxious weeds determinations & problems.

Section IV

REFERENCED AUTHORITY

WYOMING STATE STATUTES

There are numerous State Statutes which relate to nuisance concerns and authority. The following is a list of those most relevant:

W.S. 6-6-201 -209	NUISANCE
W.S. 9-8-101 -102	GENERAL PROVISIONS LAND USE PLANNING
W.S. 9-8-301 -302	LOCAL LEVEL
W.S. 11-31-301	ANIMALS RUNNING AT LARGE DOGS
W.S. 18-2-101-102	CORPORATE POWERS AND DUTIES
18-5-101	VIOLATION OF PROVISION
18-5-201-207	PLANNING & ZONING COMMISSION
18-5-301-315	REAL ESTATE SUB-DIVISIONS
W.S. 31-1-101	GENERAL PROVISIONS DEFINITIONS
31-13-101-116	ABANDONED VEHICLES
W.S. 33-19-101-110	JUNKYARD CONTROL
W.S. 35-1-105	PROHIBITED ACTS; PENALTY FOR VIOLATIONS DIVISION 3) ADMINISTRATION/POWER & DUTIES
35-9-111-115	DEPT. FIRE PREVENTION & ELECTRICAL SAFETY
35-9-301	AREAS OF EXTREME FIRE DANGER
35-9-401-406	UNINCORPORATED CITIES OR TOWNS
35-10-101-105	CRIMES AND OFFENSES DISPOSAL OF GARBAGE, REFUSE & DEAD ANIMALS

35-10-301-303
35-10-401,
-407,-408

STORAGE OF EXPLOSIVES
MISCELLANEOUS OFFENSES

CHEYENNE/LARAMIE COUNTY ZONING ORDINANCE - 1988

There are numerous zoning sections of these regulations which relate to nuisance concerns and authority. The following is a list of those most relevant:

ARTICLE V

MISCELLANEOUS

SECTION	55.030	Animals
	55.031	Stables
	55.070	Refuse
	55.075	Antique Auto

NON-CONFORMING USES & STRUCTURES

SECTION	56.00 0 - 56.050
SECTION	57.12 0 Traffic Visibility

ARTICLE VI

ENFORCEMENT, ADMINISTRATION, AND PENALTIES

SECTION	73.300	Remedies for Violations
	73.330	Procedures
	73.400	Schedule of Fees, Charges, and Expenses

ARTICLE VIII

DECISION MAKERS	80.000 - 80.020.
GENERAL SECTIONS	82.000 - 82.050

OTHER REFERENCES:

LARAMIE COUNTY COMPREHENSIVE LAND USE PLAN

UNIFORM FIRE CODE REGULATIONS