TITLE V

HEALTH, SAFETY, AND SANITATION

Chapter 1

 Board of Health

5-101 Creation and Duties

5-102 Powers

5-103 Removal of Putrid Meat

5-104 Enforcement of Orders by Police Chief

5-105 Penalties

 Chapter 2

 Animals

5-201 Definitions

(a) Animal

(b) Fowl

(c) At Large

5-202 Animals and Fowls at Large

5-203 Animal Shelter

5-204 Property Owner May Impound

5-205 Police Chief to Take Possession

5-206 Return to Owner

5-207 Owner to Pay Board for Animal

5-208 Officer May Impound

5-209 Disposition of Unredeemed Animals

5-210 Registration and Licensing – Required; Fees; Expiration.

5-211 Quantity of Animals

5-212 Impounding of Dogs

5-213 Abandoning Animals

5-214 Trespassing

 5-215 Confinement of Biting Dog

 5-216 Vicious Dogs/Aggressive Dogs

 5-217 Animal Neglect

 5-218 Penalties

Chapter 3

Garbage Control

5-301 Definitions

(a) Person

(b) Garbage

(c) Ashes

(d) Refuse

5-302 Garbage Containers

5-303 Illegal Dumping of Refuse

5-304 County Landfill

5-305 Care of Trash Cans

5-306 Care of Animals

5-307 Penalties

 Chapter 4

Streets and Sidewalks

 5-401 Obstructions in Streets, Alleys or Sidewalks Prohibited

5-402 Permit Required for Construction, Repair, or Excavation of Sidewalks or Streets

5-403 Work to Comply With Permit

5-404 Marking of Obstructions and Constructions

5-405 Duty to Replace Street or Sidewalk in Original Condition

5-406 Damaging Street Surface

5-407 Street Barriers

5-408 Unlawful to Interfere With Barricade

5-409 Refund of Bond

5-410 Parking Time Limited on Certain Streets

 5-411 Penalties

Chapter 5

Privies and Cesspools

 5-501 Statement of Policy

 5-502 Use of Privies and Cesspools Prohibited

 5-503 Removal of Privies and Cesspools

 5-504 Costs of Removal

 5-505 Notice

Chapter 6

Fire Prevention Code

 5-601 Purpose of Code

 5-602 Application of Code

 5-603 Creation and Organization of Volunteer Fire Department

 5-604 Department Regulations

 5-605 Fire Alarm

 5-606 Apparatus and Equipment

 5-607 Interference With Fire Inspectors

 5-608 Fire Inspectors

 5-609 Right to Enter Premises by Fire Inspectors

 5-610 Routine Inspection of Buildings

 5-611 Special Inspections

 5-612 Removal of Fire Hazard

 5-613 Enumeration of Fire Hazards

 5-614 Proceedings to Remove Fire Hazards

 5-615 Inspection of Origin of Fires

 5-616 Record of Fires

 5-617 Fire Precautions in Schools

 5-618 Fire Protection Equipment in Public Buildings

 5-619 Explosive Storage Permit

 5-620 Storage of Explosives

 5-621 Burning of Waste

 5-622 Conformity to State and National Standards

5-623 Enforcement

5-624 Penalty

Chapter 7

Trailer Court Code

 5-701 Definitions

 (a) Health Officer

 (b) Permit

 (c) Trailer Court

 (d) Trailer Coach

 (e) Dependent Trailer Coach

 (f) Independent Trailer Coach

 (g) Trailer Coach Space

 (h) Service Building

 5-702 Permits

 5-703 Inspection

 5-704 Adoption of Regulations

 5-705 Site Provisions

 5-706 Service Buildings

 5-707 Water Supply

 5-708 Sewage Disposal

 5-709 Refuse Disposal

 5-710 Insect and Rodent Control

 5-711 Electricity

 5-712 Plumbing

 5-713 Fire Protection

 5-714 Fuel

 5-715 Alterations and Additions

 5-716 Restriction of Animals and Pets

 5-717 Registration of Occupants

 5-718 Communicable Diseases

 5-719 Penalties

Chapter 8

Irrigation Water

5-801 Requirements When Irrigating Within the Town of Cokeville

5-802 Irrigation Limited to Certain Months

* 1. Penalty

Chapter 9

Communications Antennas

5-901 Conformance Required

5-902 Permit Required

5-903 Construction Requirements

(a) Lightning Arrestor

(b) Grounding Metal Supports on Roof

(c) Supports

(d) Lead-In Conductors Attached to Buildings

(e) Guys for All Pipe Masts

(f) Pipe Masts Over Eight Feet in Height

(g) Pipe Masts Over Eight Feet But Not Greater Than Twenty Feet

(h) Pipe Masts Over Twenty Feet

(i) Fabricated Mast Towers

(j) Installations

* 1. Antenna Masts

 5-905 Inspection Required

Chapter 10

Flood Damage Prevention

5-1000 Statutory Authorization

5-1001 Findings of Fact

5-1002 Statement of Purpose

5-1003 Methods of Reducing Flood Losses

5-1004 Definitions

5-1005 Lands to Which This Ordinance Applies

5-1006 Basis for Establishing the Areas of Special Flood Hazard

5-1007 Compliance

5-1008 Abrogation and Greater Restrictions

5-1009 Interpretation

5-1010 Warning and Disclaimer of Liability

5-1011 Establishment of Development Permit

5-1012 Designation of The Cokeville Planning and Zoning Commission

5-1013 Duties and Responsibilities of the Cokeville Planning and Zoning Commission

5-1013.1 Permit Review

5-1013.2 Use of Other Base Flood Data

5-1013.3 Information to be Obtained and Maintained

5-1013.4 Alteration of Watercourses

5-1013.5 Interpretation of Firm Boundaries

5-1014 Appeal Board

5-1015 Conditions for Variance

5-1016 General Standards

5-1017 Anchoring

5-1018 Construction Materials and Methods

5-1019 Utilities

5-1020 Subdivision Proposals

5-1021 Encroachments

5-1022 Specific Standards

5-1023 Residential Construction

5-1024 Nonresidential Construction

5-1025 Manufactured Homes

5-1026 Recreational Vehicles

5-1027 Openings in Enclosures Below the Lowest Floor

Chapter 11

Keeping of Chickens

 5-1101 Purpose 5-1102 Definitions 5-1103 Number, Type and Location 5-1104 Enclosures 5-1105 Notices and Appeals 5-1106 Severability 5-1107 Penalty 5-1108 Removal of Chickens

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 to 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. 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.

5-103. 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.

5-104. 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.

(d) VICIOUS DOG: is defined herein as any dog which demonstrates a propensity to bite or attack thereby causing reasonable fear or apprehension.

(e) AGGRESSIVE DOG: is defined herein as any dog that exhibits hostile, injurious, or destructive behavior toward an individual, whether human or another animal.

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. REGISTRATION AND LICENSING – REQUIRED; FEES;EXPIRATION.

It shall be unlawful for any person to keep or harbor any dog in the Town of Cokeville, unless he shall cause the same to be registered and licensed by the town clerk as soon as such is four (4) months old or within thirty (30) days after a new dog is brought into the city.

Licenses may be purchased for up to four (4) years at the rate of five(5) dollars per year from the town clerk. After payment the town clerk will issue a metal tag with the expiration year engraved on the back of the tag. The licenses shall expire June 30 of the expiration year.

License fees are not refundable under any circumstances. The license fees shall be in such sum as may be established from time to time by resolution of the city council.

5-211. QUANTITY OF ANIMALS

It shall be unlawful for any person to own, keep or harbor more than three(3) dogs more than four(4) months old in the Town of Cokeville.

5-212. COLLAR TAG. The Town Clerk shall issue a metal plate or tag with each dog 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 shall attach the metal tag to a collar which shall be worn by the licensed dog.

5-213. IMPOUNDING OF DOGS. Any dog found within the Town limits of the Town of Cokeville without a current license tag shall be impounded and disposed of if unredeemed according to the provisions of this chapter.

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:

(A) trespass upon the premises or property of a neighbor

(B) nor to injure, frighten, threaten, or intimidate any person whatsoever

(C) one that barks at pedestrians or children in a threatening manner or so as to frighten any person.

(D) one that by trespass, or otherwise, harms or damages the shrub, plant, flower, tree, animal, or other premises of any citizen of the Town of Cokeville

(E) upon written and/or signed complaint to the Police Department, by such injured person or someone on his/her behalf, or by the owner or occupant of said premises, said dog shall be captured wherever and however possible, by the Police or authorized person, 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/AGGRESSIVE DOG.

(a) 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.

(b) It is unlawful for any person to allow a dog in their possession or care to:

 (i) chase, block from egress

 (ii) barking and/or charging an individual or animal

 (iii) biting or injuring an individual or animal

 (iv) causing death to an individual or animal

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 dumpsites owned by the Town of Cokeville remain the property of the Town and are no longer available for public dumping.

5-305. 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.

5-306. 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.

* 1. 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.

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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.

1. 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 fire fighting 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. BURNING OF WASTE, BONFIRES AND OUTDOOR RUBBISH FIRES PROHIBITED, EXCEPTION.

It shall be unlawful for any person to kindle or maintain any bonfire or household 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, that school, religious and civic groups may apply to the Chief or Assistant Chief of the Fire Department for a burn permit to kindle and maintain a bonfire for special activities of such groups. Residents of the Town shall also apply for a burn permit to burn outside vegetation upon their own property and must comply with the conditions set forth in said permit.

5-622. 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.

5-623. 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.

5-624. 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, through, 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) 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.

(f) PIPE MASTS OVER EIGHT FEET IN HEIGHT exclusive of the beam element shall be guyed as outlined in Paragraph (f).

(g) 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).

(h) 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.

(i) 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.

(j) 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 home made 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.

* 1. 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 issues, 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

* 1. . 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 of 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 an 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 or 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, SAFTEY, AND SANITATION

Chapter 11 Keeping of Chickens

5-1101 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.

5-1102 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 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.

5-1103 NUMBER, TYPE AND LOCATION A. The maximum number of chickens allowed per property lot is twelve (12). B. For purpose 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 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.

5-1104 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 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 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.

5-1105 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 or Police 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.

5-1106 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.

5-1107 PENALTY (A) Violation of this ordinance can be punished by a fine of up to $250. Each day of the violation constitutes an additional offence.

(B)Residents who have (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 can be ordered to remove the chickens for a period of three (3) years.

5-1108 REMOVAL OF CHICKENS In addition to the penalty, any violation of the provisions of this ordinance shall be grounds for an order from the Court to remove the chickens and the chicken-related structures.