

CHAPTER THIRTEEN
NUISANCES GENERALLY
Revised August 2004

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13-1 Nuisance Compliance Program.

a. OBJECTIVE

The objective of the Nuisance Compliance Program is to promote, protect and improve the health, safety and welfare of all citizens by resolving citizen complaints and enforcing the City's Nuisance Codes. (Ord. 3337, 8-16-2004)

b. SCOPE – MAINTENANCE DUTY

It shall be the responsibility of every person or business within the City limits to maintain any and all premises under their control or for which they are responsible in a clean, sanitary and orderly condition at all times. This area of responsibility shall include any adjacent publicly owned right-of-way. No outside accumulation of any item or thing declared herein to be a nuisance thereby being detrimental or contrary to the community standards and offensive to the senses shall be permitted at any time. (Ord. 3337, 8-16-2004)

c. SPECIFIC NUISANCES

The following specific examples of nuisances are provided for purposes of description and illustration but not for any limitation on the scope of nuisance enforcement. Because nuisance activities are typically not legally established uses, no nuisance may be maintained as a non-conforming use or allowed to continue as a “grandfathered” activity. (Ord. 3337, 8-16-2004)

1. It is unlawful for any person or business to place, store, discard, throw or deposit any item or article on any property or premises within the City that will catch and maintain water from any source, thereby creating a breeding ground or harborage for mosquitoes and/or other insects. Items such as tires, buckets, bottles, pans or like items may not be stored outside of an enclosed building or approved structure for longer than 72 hours, and even then must be stored in such a manner that prevents the collection and stagnation of water. Such actions are deemed a danger and constitute a public life safety hazard. (Ord. 3337, 8-16-2004)

2. It is unlawful for any person or business to store, place, discard or deposit any heavy appliance, i.e., stove, dishwasher, refrigerator, clothes dryer, washing machine, bath tub, etc. or other airtight container(s) outside for longer than 24 hours. Such items are deemed a danger and constitute a public life safety hazard. (Ord. 3337, 8-16-2004)

3. It is unlawful for any person to cause, allow or permit the pooling, ponding or depositing of sewage or human excrement in any place or manner, except through and by means of an approved waste system. Such occurrence is deemed a danger and constitute a public life safety hazard. (Ord. 3337, 8-16-2004)

4. It is unlawful for the owner, responsible person or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the excessive accumulation of any debris on the site at any time before, during or after the commencement or completion of the construction or demolition project. All construction debris and litter must be controlled on site to prevent wind blown debris from impacting adjacent properties. The owner, responsible person or contractor shall have and maintain on the site a proper container to contain or otherwise control construction debris generated on the site. (Ord. 3337, 8-16-2004)

5. It shall be unlawful for any person or business to allow or maintain property or premises in such a condition as to attract rodents, skunks or other vermin. This shall include but not be limited to piles of dirt, firewood, construction or demolition materials. (Ord. 3337, 8-16-2004)

6. The owner, responsible person or contractor shall not allow any condition which, without a lawful permit, interferes with, obstructs or tends to obstruct or which renders dangerous for passage, any public street, sidewalk, ditch or drainage. (Ord. 3337, 8-16-2004)

7. It shall be unlawful for any person in charge or control of private property to allow any partially dismantled, inoperable/unlicensed, wrecked, junked or discarded motor vehicles, and discarded automobile parts, furniture, furnaces and other like material or objects to remain on such property longer than 14 days unless it be in an enclosed building or properly zoned area. (Ord. 409, 7-5-55; Ord. 592, 9-23-69.) (Ord. 1724, 6/19/89; Ord. 3337, 8-16-2004)

8. It is unlawful for any person in charge or control of private property to cause, allow or permit the accumulation of debris, garbage, litter, open pits, rubbish, or weeds/tall grass on such property. (Ord. 3337, 8-16-2004)

d. ENFORCEMENT

The Code Compliance Inspector, city police officer(s) and the City Administrator or his/her authorized designee shall have authority to enforce this chapter. (Ord. 3337, 8-16-2004)

e. VIOLATIONS

In addition to other penalties or remedies, the Code Compliance Inspector, city police officer(s), the City Administrator or his/her designee, is authorized and empowered to serve notice of violation upon the owner or the occupant, or responsible person to remove any and all items deemed a nuisance from his property, giving said person fourteen (14) days in which to abate the nuisance or three (3) days if the nuisance constitutes a public life safety hazard. (Ord. 3337, 8-16-2004)

It shall be unlawful for any person, after receiving notice of violation, to remove said nuisance to any other private or public property upon which such storage is not permitted or prohibited. It shall be the responsibility of any person receiving such notice to remove said nuisance in order to comply with the provisions of this Chapter within the allotted time given in the notice. (Ord. 3337, 8-16-2004)

The City representative initiating the enforcement action has the discretion to extend deadlines if such extension is deemed proper and necessary, involving unique circumstances. Such extensions shall not constitute relief of responsibility to remove the nuisance as ordered. Said person receiving such extension will still be subject to abatement procedures or citation for failure to comply. (Ord. 3337, 8-16-2004)

Upon failure of the owner or agent having charge of the property to abate the nuisance within 14 days after service of notice of a violation, the City shall have

the authority to post the property and abate the nuisance. Any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation to abate the nuisance, charging the actual cost of abatement to the property owner who shall be responsible for all costs of the abatement. In the event any cost incurred in the abatement remains unpaid after forty-five (45) days has passed from the date of the billing, the cost shall be collectible together with attorney's fees and costs incurred in collection. It is illegal for anyone other than the Code Compliance Inspector, city police officer(s), the City Administrator or his/her authorized designee to remove the posted notice from the property. (Ord. 3337, 8-16-2004)

As an alternative to the above procedure, a violator of this section may be cited into the Municipal Court. (Ord. 3337, 8-16-2004)

f. PENALTIES

Any person convicted in Municipal Court of failing to comply with the provisions of this ordinance shall be punished as provided for in Section 16-1 of the Gillette City Code, (fine not exceeding \$750.00 to which may be added court costs) for each offense. Each day's continued non-compliance with the provisions of this ordinance shall constitute a separate offense. (Ord. 1338, 5-3-82;. Ord. 3337, 8-16-2004)

g. APPEALS

All appeals must be made in accordance with any applicable provisions according to Wyoming Statutes for appeals from the Municipal Court. (Ord. 3337, 8-16-2004)

13-2 Procedure For Weed Abatement

Because weeds and tall grass pose an immediate danger due to their ability to go to seed quickly, provide a harborage for rodents, insects and become a fire risk, their more summary abatement is necessary to prevent their uncontrolled spread. Upon failure of the owner or agent having charge of the property to abate the weed nuisance within 14 days after service of notice of a violation, the City

shall have the authority to post the property and abate the nuisance. Any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation to abate the weed nuisance, charging the actual cost of abatement to the property owner. In the event any cost incurred in the abatement remains unpaid after forty-five (45) days has passed from the date of the billing, the cost shall be collectible together with attorney's fees and costs incurred in collection. It is illegal for anyone other than the Code Compliance Inspector, city police officer(s), the City Administrator or his/her authorized designee to remove the posted notice from the property. (Ord. 3337, 8-16-2004)

As an alternative to the above procedure, a violator of this section may be cited into the Municipal Court. (Ord. 3337, 8-16-2004)

13-3 Interference with Code Compliance Inspector, City Administrator or Designee

Any person interfering with the Code Compliance Inspector, City Administrator or his/her designee in the performance of his duties under this chapter shall be guilty of a misdemeanor. (C.O. 1948 324. ;Ord. 3337, 8-16-2004)

13-4 Definitions

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory. (Ord. 3337, 8-16-2004)

Abate: Repair, replace, remove, destroy or otherwise remedy a condition by such means and in such a manner and to such an extent determined necessary to protect, restore or maintain community standards, health and general welfare. (Ord. 3337, 8-16-2004)

Abandoned Vehicle: A vehicle that is totally or partially suspended above the ground by jacks, blocks or any other devices or when any of the four tires of the main wheels have been removed or are deflated other than for immediate repair, and/or any discarded, ruined, wrecked or dismantled motor vehicle, including any component parts, which does not bear a current license or remains inoperative or

incapable of being driven on public roads. Abandoned vehicles are deemed a nuisance. (Ord. 3337, 8-16-2004)

Exception: Antique or historic motor vehicle as defined in Wyoming Statutes, Sections 31-1-101, provided they are licensed pursuant to Wyoming Statutes, Section 31-3-102. (Ord. 3337, 8-16-2004)

Antique Vehicle: Any motor vehicle that is at least 25 years old and owned solely as a collector's item and licensed pursuant to Wyoming Statutes, Section 31-3-102. (Ord. 3337, 8-16-2004)

Debris: Abandoned, wrecked, disassembled or inoperative motor vehicles, motor vehicle parts, tires of any kind or size, silt from automobile wash racks, dead animals, animal excretion, batteries, abandoned machinery, discharged machinery parts, any sort of household appliance, furniture, wood pilings, dirt pilings, paper pilings, rubber and plastic products, metal products, broken glass, barrels, any article resulting from the wrecking, construction or remodeling of any building, fence, sidewalk or structure of any kind or character, etc. Debris is deemed a nuisance. (Ord. 3337, 8-16-2004)

Exception: Firewood appropriately stacked or stored that is covered to prevent rodent harborage. (Ord. 3337, 8-16-2004)

Garbage: Waste resulting from the handling, preparation, cooking or consumption of foods; offal or animal matter, wastes from the handling, storage and sale of produce; or anything whatsoever that may decompose, become foul, offensive, unsanitary or dangerous to health. Garbage is deemed a nuisance. (Ord. 3337, 8-16-2004)

Inoperable Vehicle: Any motor vehicle incapable of immediate operation under its own power safely and in concurrence with governing and applicable traffic ordinances and statutes or any motor vehicle not having current license plates lawfully affixed thereto. Inoperable vehicles are deemed a nuisance. (Ord. 3337, 8-16-2004)

Litter: To throw, deposit or allow garbage, rubbish and debris as defined herein, and all other waste material to remain on land as herein prohibited which creates a public life safety hazard and offends the senses. Litter is deemed a nuisance. (Ord. 3337, 8-16-2004)

Motor Vehicle: Any vehicle that is self-propelled by any sort of motor except vehicles moved solely by human power. (Ord. 3337, 8-16-2004)

Nuisance: The creation and/or maintenance by any person of any condition or use of real or personal property in such a manner as to offend the senses or to unreasonably interfere with the use or enjoyment of the property of another or which is detrimental to the property of another or which causes the substantial diminution in or degrades the value of another's property by permitting any condition to exist which results in substantial annoyance, inconvenience or injury to the public, in whole or part. (Ord. 3337, 8-16-2004)

Open Pit(s): Any open or uncovered cellar, cellar door, pit, hole, pool or container, etc. where water is allowed to accumulate and become a breeding ground or harborage for mosquitoes or other insects is declared to be a nuisance and it shall be unlawful for the owner or occupant of said property to permit the nuisance to continue for longer than 72 hours. An open pit is a public life health safety issue and is declared to be a nuisance. (Ord. 3337, 8-16-2004)

Person: Any individual(s), firm, association, partnership, corporation or any entity, public or private. (Ord. 3337, 8-16-2004)

Premises: Any lot, building, parcel of land or portion of land, public or private. (Ord. 3337, 8-16-2004)

Property: Any real property within the City limits that is not a street or highway. (Ord. 3337, 8-16-2004)

Responsible Person: Any owner, agent, lessee or other person occupying or having charge or control of any premises. (Ord. 3337, 8-16-2004)

Rubbish: All discarded materials including, but in no way confined or limited to paper, wood, glass, metal and cloth products, weeds, yard trimmings, tree branches, furniture, bedding, crockery, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing process. Rubbish is deemed a nuisance. (Ord. 3337, 8-16-2004)

Weeds and Tall Grasses: All weeds, tall grasses and rank, troublesome and harmful vegetation growing on any premises outside of the traveled portion of any street or alley within the City that exceeds a height of twelve (12) inches are considered a nuisance. Weeds shall include, but not be limited to, such plants as may be so designated by the Campbell County Weed & Pest Board. All landscaping on any lot or premises must be maintained in a neat and orderly condition consistent with community standards. Weeds and tall grass is deemed a nuisance. (Ord. 3337, 8-16-2004)