**DIXON MUNICIPAL CODE**

**A Codification of the General Ordinances**

**of the Town of Dixon, Wyoming**

**PREFACE**

 The Dixon Municipal Code has been codified and indexed by Codey Stocks, Town Clerk/Treasurer for the Town of Dixon, Wyoming. The Dixon Municipal Code has been reviewed by Attorney Jim Espy. This codification was completed in January 2014, and includes ordinances through and including Ordinance No. 82. The Code will be kept current through regular updates. Ordinances adopted after said ordinance supersede the provisions of this town code to the extent that they are in conflict or inconsistent therewith. Consult the town office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

 The Code is organized and classified to follow the general codification scheme of Wyoming Statutes. It is organized in Titles, and under each Title it is organized into Chapters. Under each Chapter the specific Code provisions are codified as Sections. A citation to §5-1-1 refers to Section 1 of Chapter 1 of Title 5.

**ADOPTING ORDINANCE**

**AN ORDINANCE FOR REVISING, CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE TOWN OF DIXON, WYOMING AND ADOPTING THE DIXON TOWN CODE.**

**BE IT ORDAINED** by the mayor and town council of the Town of Dixon, Wyoming, as follows:

 **Section 1:** Pursuant to the provisions of Wyoming Statutes 15-1-115 and 15-1-116, and from and after the date of passage of this ordinance, the town code of the town of Dixon, Wyoming prepared by Codey Stocks containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the governing body of the town, shall be accepted in all courts without question as the official code and law of the town as enacted by the mayor and town council.

 **Section 2:** There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding together with the continuous supplement service, whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the official town code is identified by the proper catch line and is inserted in the proper place in each of the official copies, one copy of which shall be maintained in the office of the town clerk, certified as to correctness and available for inspection at any and all times that said office is regularly open.

 **Section 3:** All ordinances of a general nature included in this official town code shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said official town code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the town code. Such ordinances are not intended to be included in the official town code.

 **Section 4:** It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the town to be misrepresented thereby.

 **Section 5:** Any violation of any provision of the code hereby adopted shall be punishable by a fine not to exceed seven hundred fifty dollars ($750.00), or imprisonment not exceeding six (6) months, or both, unless an ordinance within the code specifically provides for its own penalty.

 **Section 6:** All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

 **Section 7:** This ordinance and the code adopted by the same shall be recorded and shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed, adopted and approved at a regular scheduled meeting of the Dixon Town Council on this 14th day of January , 2014.

 TOWN OF DIXON

 Richard M. Feldmann, Mayor

ATTEST

Codey J. Stocks, Clerk/Treasurer

First Reading November 12, 2013

Second Reading December 10, 2013

Third and Final Reading January 14, 2014

Posted: Dixon Town Hall

 U.S Post Office, Dixon

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**Title 1**

**ADMINISTRATION**

**Chapter 1**

**OFFICIAL TOWN CODE**

**1-1-1: TITLE:**

Upon the adoption by the town council, this town code is hereby declared to be and shall hereafter constitute the official town code of Dixon. This town code of ordinances shall be known and cited as the DIXON TOWN CODE and is hereby published by authority of the council and shall be supplemented to incorporate the most recent legislation of the town as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this town code by title in any legal document.

**1-1-2: ACCEPTANCE:**

The town code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the town of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title.

**1-1-3: AMENDMENTS:**

Any ordinance amending the town code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this town code. All such amendments or revisions by ordinance shall be immediately prepared for insertion in its proper place in each copy of this town code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the town code.

**1-1-4: CODE ALTERATIONS:**

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this town code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the town council. The town clerk-treasurer shall see that the replacement pages are properly inserted in the official copies maintained in the office of the clerk-treasurer. Any person having custody of a copy of the town code shall make every effort to maintain said code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the town clerk-treasurer. Said code books, which in actual possession of officials and other interested persons, shall be and remain the property of the city and shall be returned to the office of the town clerk-treasurer when directed to do so by order of the town council.

**Chapter 2**

**SAVING CLAUSE**

**1-2-1: REPEAL OF GENERAL ORDINANCES:**

All general ordinances of the town passed prior to the adoption of this town code are hereby repealed, except such as are included in this town code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the town; and all special ordinances.

**1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:**

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this town code or by virtue of the preceding section, excepting as the town code may contain provisions for such matters, in which case, this town code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

**1-2-3: COURT PROCEEDINGS:**

1. Prior Acts: No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
2. Extend To All Repeals: This section shall extend to all repeals, either by express word or implication, whether the repeal is in the ordinance making any new provisions under the same subject or in any other ordinance.
3. Currently Pending Actions: Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the time of the adoption of this town code.

**1-2-4: SEVERABILITY CLAUSE:**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this town code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof. The town council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

**Chapter 3**

**DEFINITIONS**

**1-3-1: CONSTRUCTION OF WORDS:**

1. Whenever any word in any section of this town code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, part or person is referred to in this town code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this town code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto.
2. The word “ordinance” contained in the ordinances of the town has been changed in the content of this town code to “title”, “chapter”, “section” and/or “subsection” or words of like import for organizational and clarification purposes only. Such change to the town’s ordinances is not meant to amend passage and effective dates of such original ordinances.

**1-3-2: DEFINITIONS, GENERAL:**

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another with authority conferred, either expressly or by implication.

CODE: The municipal code of the town of Dixon.

COMPUTATION OF TIME: The time within which an act is to be done shall be computed by excluding the first and including the last day unless the last day is a Saturday, a Sunday or a legal holiday, in which case the period shall run until the end of the next day which is not a Saturday, a Sunday or legal holiday.

COUNCIL: Unless otherwise indicated, the town council of the town of Dixon.

COUNTY: Carbon County, in the state of Wyoming, in which the town of Dixon is located.

EMPLOYEES: Whenever reference is made in this code to a town employee by title only, this shall be construed as though followed by the words “of the town of Dixon”.

GENDER: A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.

GOVERNING BODY: The elected legislative body of the municipality.

LICENSE: The permission granted for the carrying on of a business, profession or occupation.

MAY: Permissive.

MONTH: A calendar month.

MUNICIPALITY OR MUNICIPAL: The town of Dixon.

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the town, or any activity which by its perpetuation can reasonable be said to have a detrimental effect on the property of a person or persons within the community.

OATH: Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” are equivalent to the words “affirm” and “affirmed”.

OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

OFFICERS: Whenever reference is made in this code to a town officer by title only, this shall be construed as though followed by the words “of the town of Dixon”.

OPERATOR: The person who is in charge of any operation, business or profession.

OWNER: When applied to a building or land, shall include not only the owner of the whole but also any part owner, joint owner, tenant in common or joint tenant of the whole or part of such building of land and shall include the managing agent or officer within the town of Dixon.

PERSON: Any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, fraternal organization, company, corporation, business, trust, or their manager, lessee, agent, servant, officer, or employee or any of them.

PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

PRECEDING, FOLLOWING: The next before and next after, respectively.

PROPERTY: Includes both real and personal property.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

SHALL: Mandatory.

STATE: The state of Wyoming.

STREET: Means and includes public streets, highways, roads, alleys, and the approaches thereto and all other public thoroughfares in the town of Dixon.

TENANT; OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

TOWN: The town of Dixon, county of Carbon, state of Wyoming.

WHOLESALER: The terms “wholesaler” and “wholesale dealer” as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING: Includes printing, lithographing or modes of representing words and letter; provided, that in all cases where the written signature of a person is required, the proper handwriting of such person, or his mark, shall be required.

YEAR: A calendar year.

**1-3-3: CATCHLINES:**

The catchlines of the several sections of the town code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

**Chapter 4**

**GENERAL PENALTY**

**1-4-1: General Penalty:**

1. General Penalty; Remedies Generally: Whenever in this code or in any ordinance, resolution or regulation promulgated by any officer or agency of the town of Dixon under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance, resolution or regulation shall be punished by a fine of not more than seven hundred fifty dollars ($750.00), or imprisonment not exceeding six (6) months, or both; provided, however, that the imposition of any such fine shall not bar institution of appropriate legal actions of proceedings by the town to restrain, correct or abate the violation nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine.
2. Continuing Violations: Except as otherwise provided, each day any violation of this code or any such ordinance, resolution or regulation continues shall constitute a separate offense.

**1-4-2: APPLICATION OF PROVISIONS:**

1. The penalty provided in this chapter, unless otherwise provided, shall be applicable to every section of this town code the same as though it were a part of each and every separate section.
2. In all cases where the same offense is made punishable or is created by different clauses or sections of this town code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.
3. Whenever the doing of any act or the omission to do any act constitutes a breach of any section or provision of this town code and there shall be no fine or penalty specifically declared for such breach, the provisions of this chapter shall apply.

**1-4-3: LIABILITY OF OFFICERS:**

No provision of this town code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the town council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

**Chapter 5**

**MAYOR AND TOWN COUNCIL**

**1-5-1: COMPOSITION:**

The town council shall be composed of a mayor and four (4) council members.

**1-5-2: QUALIFICATIONS:**

A resident who is qualified to run for the office of mayor or the office of any councilman for the town shall meet the following requirements:

1. Qualified Elector: He or she shall be a qualified elector of the town.
2. Felony Conviction: He or she shall never have been convicted of a felony.

**1-5-3: COMPENSATION:**

1. Mayor: The mayor shall be paid the sum of forty dollars ($40.00) for actual attendance at each regular or special meeting; such salary to be paid not less than monthly during the year.
2. Councilmen: Each elected councilman shall receive a salary of forty dollars ($40.00) for actual attendance at each regular or special meeting; such salaries to be paid not less than monthly during the year.

**1-5-4: QUORUM:**

A majority of the council shall constitute a quorum for the transaction of business, but no business can be transacted unless concurred in by a majority of all the members of the council.

**1-5-5: MAYOR TO PRESIDE:**

At all meetings of the council, the mayor shall preside if present; but in his absence, the president of the Council, appointed each January by the mayor, shall, for the time being, have the same authority as the mayor.

**1-5-6: MEETINGS:**

1. Regular: The regular meetings of the council shall be on the second Tuesday of each month at the hour of seven o’clock (7:00) P.M. at the city hall; provided, that all meetings may be adjourned from time to time, and by such adjournment be held at any other convenient time or within the limits of town.
2. Special: Special meetings may be held at any time when called by the mayor or by two (2) or more councilmen. Notice of such meeting shall be served upon each member of the council either in person or by notice left at his place of residence, stating the date and hour of the meeting and the purpose for which said meeting is called. No business shall be transacted except such as is stated in the notice; provided, however, that any special meeting at which all of the members of the council and the mayor are in attendance shall be deemed to be valid and regular for all purposes despite the irregularity, or absence, of notice as herein provided.
3. Emergency: The council may hold an emergency meeting on matters of serious immediate concern to take temporary action without notice. Reasonable effort shall be made to offer public notice. All action taken at an emergency meeting is of a temporary nature and in order to become permanent shall be reconsidered and acted upon at an open public meeting within forty eight (48) hours.
4. Recessed Meetings: The council may recess any regular, special, or recessed regular or special meeting to a place and at a time specified in an order of recess. A copy of the order of recess shall be conspicuously posted on or near the door of the place where the meeting or recessed meeting is held.
5. Executive Sessions:
	1. The council may hold executive session not open to the public:
		1. With the attorney general, county attorney, district attorney, town attorney, sheriff, chief of police, or their respective deputies, or other officers of the law, on matters posing a threat to the security of public or private property, or a threat to the public’s right of access;
		2. To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer, unless the employee, professional person or officer requests a public hearing. The council may exclude from any public or private hearing during the examination of a witness, any or all other witnesses in the matter being investigated. Following the hearing or executive session, the council may deliberate on its decision in executive decisions;
		3. On matters concerning litigation to which the council is a party or proposed litigation to which the council may be a party;
		4. To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price;
		5. To consider acceptance of gifts, donations and bequests which the donor has requested, in writing, be kept confidential;
		6. To consider or receive any information classified as confidential by law;
		7. To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all negotiations.
	2. Minutes shall be maintained of any executive session. Except for those parts of minutes of an executive session reflecting a members’ objection to the executive session as being in violation of this act, minutes and proceedings of executive sessions shall be confidential and produced only in response to a valid court order.
	3. Unless a different procedure of vote is otherwise specified by law, an executive session may be held only pursuant to a motion that is duly seconded and carried by majority vote of the members of the governing body in attendance when the motion is made. A motion to hold an executive session which specifies any of the reasons set forth in paragraphs 1. a. through g. of this section shall be sufficient notice of the issue to be considered in an executive session.
6. Open Meetings:
	1. All meetings of the council are public meetings, open to the public at all times, except as otherwise provided. No action of the council shall be taken except during a public meeting following notice of the meeting as provided in this chapter. Action taken at a meeting not in conformity with this chapter is null and void and not merely voidable.
	2. A member of the public is not required as a condition of attendance at any meeting to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance. A person seeking recognition at the meeting may be required to give his name and affiliation.
	3. Minutes of Meeting:
		1. Minutes are required to be recorded but not published from meetings when no action is taken by the council;
		2. Minutes are not required to be recorded or published for day to day administration activities of the council.
7. Disruption of Meetings: If any public meeting is willfully disrupted by a person or group of persons so as to render the orderly conduct of the meeting unfeasible, and order cannot be restored by the removal of the person or persons who are willfully interrupting the meeting, the council may order the removal of the person or group from the meeting room and continue in session, or may recess the meeting and reconvene at another location. The council shall establish procedures for readmitting an individual or individuals not responsible for disturbing the conduct of a meeting. Duly accredited members of the press or other news media, except those who participated in a disturbance, shall be allowed to attend any meeting permitted by this section.

**1-5-7: MAYORAL VETO:**

1. Power to Veto: The mayor is entitled to sign or veto any ordinance passed by the governing body and to sign or veto any order, bylaw, resolution, award or vote to enter into any contract or the allowance of any claim. The mayor may veto any item of any appropriation ordinance and approve the remainder thereof. The items vetoed may be passed over the veto as in other cases.
2. Overriding Veto: A veto may be overridden by a vote of two-thirds (2/3) of the qualified members of the council. The mayor does not have a vote in any matter involving the override of a veto.
3. Failure to Act: If the mayor neglects or refuses to sign an ordinance and fails to return it with his objections in writing at the next regular meeting of the governing body, it becomes law without his signature.

**1-5-8: CONDUCT AND JOURNAL OF PROCEEDINGS:**

The council shall determine the rules for the conduct of its proceedings, and shall keep a journal thereof which is a public record. The manner in which each member of the council votes on any matter upon which a vote is taken shall be entered in the journal.

**1-5-9: VACANCIES:**

1. A vacancy exists in the office of mayor or councilperson during the term for which elected any mayor or councilperson when a majority of the mayor and all elected councilpersons determine that a mayor or councilperson:
	1. No longer maintains a residence within the corporate limits of the town;
	2. Has been convicted of a felony;
	3. Fails to attend four (4) or more consecutive regularly scheduled meetings of the council without an excused absence as determined by a majority of the council;
	4. Has been determined to be insane or mentally incompetent by a court of competent jurisdiction;
	5. Has become disqualified from holding office for any reason specified by law;
	6. Has refused to take the oath of office or to give or renew an official bond as required by law;
	7. Has his election voided by a court decision;
	8. Has died; or;
	9. His resignation has been accepted by the governing body.
2. For purposes of this section, “residence” and or “residency” mean a place of a person’s fixed, permanent and customary habitation within the corporate limits of the municipality for a period of at least two hundred days during each calendar year.
3. A determination of the governing body relative to subdivisions 1 through 7 of subsection A of this section may be appealed to the District Court within thirty (30) days after the date the determination is made.
4. If a vacancy is determined to exist, the governing body shall appoint an eligible person to the office who shall serve until his successor is elected at the next general municipal election and qualified. If the entire council is vacant, the district judge for the district in which the town is located shall appoint a person to fill each vacancy and serve until the next general municipal election at which time a successor shall be elected to fill the unexpired portion of each term.
5. A vacancy in the office of mayor shall be filled only from the governing body.
6. Vacancies in appointive offices shall be filled in the manner provided for initial appointments.

**Chapter 6**

**TOWN OFFICERS AND EMPLOYEES**

**1-6-1: APPOINTMENT:**

The officers of a town are a mayor and four (4) councilmen, all of whom shall be elected. Unless otherwise provided by ordinance, the clerk, treasurer, marshal, attorney, municipal judge and the department heads as specified by ordinance shall be appointed by the mayor with the consent of the governing body and may be removed by the mayor for incompetency or neglect of duty, if done with the consent of the council. All other appointments and removals, not specifically indicated herein, shall be made by the mayor with the consent of the governing body. The governing body shall determine the method of appointing members of a board of commission, unless the method of appointing such members is specified by separate statute.

**1-6-2: TERM:**

All appointed employees of the town who are appointed to serve in their capacity by the mayor with the approval of the town council shall serve for one calendar year from the date of their appointment in January of each year until the following January.

**1-6-3: MOTION TO ACCEPT APPOINTMENTS:**

At the first meeting of the council in January of each year, the council shall make a motion to accept the appointments submitted by the mayor. For vacated appointments, the mayor shall make an appointment to fill such vacancy with the approval of the council.

**1-6-4: CONDITIONS FOR ANY OFFICE OR POSITION:**

The council, by ordinance or resolution, may specify conditions for any office or position to which a person is appointed under this chapter including:

1. Level or range of salary;
2. A description of the duties and responsibilities of the office or position;
3. Term of appointment;
4. Requirements for:
	1. Promotion;
	2. Suspension; and
	3. Hearing of appeals from decisions of the mayor to remove or discharge any appointee other than members of a board or commission, after which the council may affirm, modify or reverse the mayor’s decision; and
5. Other matters which are part of the personnel policies of the town.

**1-6-5: COMPENSATION:**

The salaries of the appointed town officials shall be as determined from time to time by ordinance of the town council.

**ARTICLE A. PERSONNEL POLICY**

**1-6A-1: ADOPTED BY REFERENCE:**

As of January 1, 2009, the town has adopted and will use the Town of Dixon Personnel Manual and all town employees shall follow all regulations set forth in the personnel manual as adopted and amended from time to time.

**Chapter 7**

**CORPORATE AND OFFICIAL PROVISIONS**

**1-7-1: ORDINANCES:**

1. Enactments Of Law: All enactments of law by the town council intended for the guidance or government of persons or property within the town or the officers of said town shall be by ordinance.
2. Proposed Ordinance: Any proposed ordinance may be presented at any meeting of the town council and shall be presented in writing.
3. Passage; Emergency Ordinance: Every ordinance shall be publicly read on three (3) different days. Public reading may be by title only. At least ten (10) days shall elapse between the introduction and final passage of every ordinance. For an emergency ordinance, the requirements of this section may be suspended by the affirmative vote of three-fourths (3/4) of the qualified members of the governing body. No franchise may be granted by emergency ordinance. Passage of an ordinance requires the affirmative vote of the majority of the qualified members of the governing body. Passage of an emergency ordinance requires the affirmative vote of three-fourths (3/4) of the qualified members of the governing body.
4. Roll Call: On the passage of any bylaws, ordinance or resolution, a roll call shall be had and the “ayes” and “nays” shall be taken and entered on the journal.
5. Publication And Posting: The ordinance shall be posted for at least ten (10) days in the Town Hall and in such other places as the governing body determines. Emergency ordinances are effective upon proclamation of the mayor, and as soon thereafter as is practicable they shall be published and posted in the manner required of other ordinances
6. Signing And Recording: All ordinances passed and adopted by the town council shall, within ten (10) days after the passage thereof, be signed by the mayor and attested by the town clerk-treasurer and be recorded in a book kept for that purpose. No ordinance of the town shall be capable of being enforced until the same shall have been recorded and signed as herein provided.

**1-7-2: CORPORATE SEAL:**

The town’s seal shall at all times remain in the care and custody and control of the town clerk-treasurer who shall be responsible therefor for its use or for its misuse upon his official bond.

**1-7-3: CLAIMS AGAINST TOWN:**

1. Presented to Council: All claims and demands against the town shall be presented to the town council, in writing, with a full itemized account of the items and certified to under penalty of perjury, showing the same as correct, reasonable and just. No claim or demand shall be audited or allowed unless presented and certified as provided in this section. The town officers who shall issue or pay any warrant drawn in payment of a claim not so presented and certified shall be liable on their official bond for the amount of such warrant so drawn and paid as aforesaid.
2. Issuance Of Warrant: Upon an allowance of any claim or demand in the manner required by subsection A of this section, the town clerk-treasurer shall draw a warrant upon the town treasury for the amount therefor, which warrant shall be signed by the mayor and attested by the town clerk-treasurer with the corporate seal.
3. Payment: Upon presentation of any such warrant to the town clerk-treasurer, he shall pay the same; provided, that if there is not sufficient money in the treasury to pay the same, he shall endorse thereon that the same has been presented for payment stating the date of presentation and that the same has not been paid for want of funds.

**Chapter 8**

**MUNICIPAL COURT**

**1-8-1: MUNICIPAL JUDGE:**

1. Appointments: The mayor, by and with the consent of the town council, shall appoint a municipal judge and may appoint an alternate municipal judge, who shall serve at the pleasure of the mayor.
2. Duties: The duties of the municipal judge or alternate municipal judge shall be to preside at all regular or special sessions of the municipal court.
3. Jurisdiction: The municipal judge shall have exclusive jurisdiction of and shall hear and determine all cases arising under this code and other ordinances of the town.
4. Forms, Practice And Procedure: The forms, practice and procedure before such municipal judge in such cases, unless otherwise provided in this code or other town ordinances, shall conform as closely as possible to the forms, practice and procedure before circuit court judges of the state, insofar as such practices and procedures may be applicable.
5. Powers: The municipal judge shall have the power to impose fines of no more than seven hundred fifty dollars ($750.00) for any one offense, to which may be added costs. He shall have the authority to enforce due obedience to this code and all other town ordinances, rules and judgments made by him. He shall have the same power as does the district court in the issuance of warrants, subpoenas or other process that may be necessary, and may fine or imprison for contempt offered while holding court or to process issued, in the same manner and to the same extent as does the district court.
6. Surety Bond: The municipal judge and alternate municipal judge shall be required to execute to the town a bond in the sum of one thousand dollars ($1,000.00), conditioned substantially that he will well and truly perform all the duties of his office as is or may be prescribed by state law, this code and other ordinances of the town, and shall, with all reasonable skill, diligence, good faith and honesty, safely keep and be responsible for all funds coming into his hands by virtue of his office, and pay without delay to the person authorized by state law, this code and other ordinances of the town to receive such, all monies which may come into his hands by virtue of his office, and shall well and truly deliver to his successor in office, or such other person as is authorized by law to receive such monies, books, papers and all else held by him as such officer.

**1-8-2: COURT PROCEDURE:**

1. Complaint; Issuance Of Warrant: Actions for violations of this code or other town ordinances may be commenced by filing with the municipal judge a statement or complaint stating the nature of the offense, signed by any member of the police department or any other person, which complaint shall be made in accordance with the forms required by law. If any person shall, on oath, make complaint that anyone has violated this code or any other ordinance of the town, setting forth the section of the code or other town ordinance which has been violated, the municipal judge may issue a warrant for the apprehension of the offender.
2. Citation In Lieu Of Complaint: In addition to the procedure for issuance of citations now provided by law, a citation in lieu of a formal complaint may be issued charging any violation of the ordinances of the town for which any fine is specified, provided:
	1. Waiver Of Formal Complaint: The potential defendant has waived the right to have a formal complaint filed against him and has signed a promise to appear in municipal court;
	2. Advisement Of Right To Sworn Complaint: Prior to such waiver, the potential defendant has been advised that he need not consent to the issuance of the citation and that he has a right to have his case prosecuted upon a sworn complaint.
3. Entry On Court Docket; Issuance Of Summons: Upon the filing of such statement or complaint, the municipal judge shall enter the case upon his docket in the manner required by law, and shall issue a warrant or summons returnable forthwith or at such time, no longer than ten (10) days, as he may designate.
4. Appearance Of Complainant At Trial: No person who shall file a complaint in the municipal court which results in the arrest or the citation to the municipal court of the person complained of, shall willfully fail, neglect or refuse to appear for the trial of such arrested or cited person and testify in support of the complaint. The police department shall provide such complaining person a written notice of the time for trial of such person arrested or cited pursuant to such complaint.
5. Dismissal For Defects In Form: No action before the municipal judge shall be dismissed for any defect of form in the statement or complaint if it substantially sets forth the nature of the violation alleged so as to give the defendant notice of the charge which is required to be answered. Such statement or complaint may include several persons charged with the same offense.
6. Change Of Venue: No change of venue shall be granted in any case arising under this code or other ordinances of the town.
7. Judgment By Default: Should a defendant duly summoned fail to appear in municipal court at the time his case is set for trial, the municipal judge shall hear and examine the testimony offered on the part of the town and shall render judgment by default against the defendant for such amount under this code or other town ordinances as the municipal judge shall deem just.
8. Costs:
	1. Levy Of Court Costs: Upon each conviction on a complaint filed in the municipal court, the municipal judge shall levy and collect, in addition to any fine imposed, court costs as established by the supreme court of the state of Wyoming and the fine and costs so collected shall be remitted to the town treasurer.
	2. Acquittal Of Defendant: When a defendant is acquitted in any prosecution, the complainant may, in the discretion of the municipal judge, be adjudged to pay the costs of the proceeding if it appears to the municipal judge that the prosecution was instituted maliciously or without reasonable cause, and judgment shall be so rendered and execution shall issue therefor.

**Chapter 9**

**CONFISCATED OR ABANDONED PROPERTY**

**1-9-1: DEFINITIONS:**

For the purpose of this chapter, the following words and phrases shall have the following meanings:

ABANDONED PROPERTY: Any item of personal property coming into the possession of the town, its officers or employees, which property remains unclaimed by the owner for a period of ninety (90) days.

CONFISCATED PROPERTY: Any item of personal property taken by any police officer of the town from any person when, under the circumstances, the possession by such person was a violation of the laws of the state.

**1-9-2: DISPOSITION:**

1. Abandoned Property: Any abandoned property in the possession of the town shall be sold by the town clerk-treasurer in conformity with the laws of the state and the proceeds therefrom placed in the general fund.
2. Confiscated Property: Any confiscated property shall be exhibited to the municipal judge who shall examine such property, record a description of the confiscated items in the docket and note the date that such property was exhibited. Upon final disposition of the case in the event of a conviction, the municipal judge shall, as part of the judgment, order the confiscated property turned over to the town clerk-treasurer for sale or disposal.
3. Items Other Than Alcoholic And Malt Beverages, Weapons And Controlled Substances: At least once during a calendar quarter, the town clerk-treasurer shall sell all items confiscated during the preceding quarter, except alcoholic and malt beverages, weapons and controlled substances. The property shall be sold at public auction for cash to the highest bidder after notice published by the town clerk-treasurer in the official newspaper of the town one time at least ten (10) days prior to the date of the sale. The notice shall describe the items to be sold and the time and place of the sale. All proceeds from the sale shall be placed in the general fund.
4. Alcoholic And Malt Beverages, Weapons And Controlled Substances: Any alcoholic and malt beverages, weapons or controlled substances confiscated shall, immediately after the court order becomes final, be destroyed under the supervision of the town clerk-treasurer and the chief of police.

**Title 2**

**BUSINESS AND LICENSING REGULATIONS**

**Chapter 1**

**LIQUOR CONTROL**

**2-1-1: DEFINITIONS:**

For the purposes of this chapter, the following words and phrases shall have the following meanings:

ALCOHOLIC LIQUOR: Any spirituous or fermented fluid, substance or compound other than malt beverage intended for beverage purposes which contains at least one-half of one percent (0.5%) of alcohol by volume. As used in this section, “beverage” does not include liquid filled candies containing less than six and one-quarter percent (6.25%) of alcohol by volume.

CLUB: Any of the following organizations:

1. A post, charter, camp or other local unit composed only of veterans and its duly organized auxiliary, chartered by the congress of the United States for patriotic, fraternal or benevolent purposes and, as the owner, lessee or occupant, operates an establishment for these purposes within the town.
2. A chapter, lodge or other local unity of an American national fraternal organization and, as the owner, lessee or occupant, operates an establishment for fraternal purposes within the town. As used in this chapter, an American fraternal organization means an organization actively operating in not less than thirty six (36) states or having been in active continuous existence for not less than twenty (20) years, but does not mean a college fraternity.
3. A hall or building association of a local unit specified in subsections A and B of this definition, of which all of the capital stock is owned by the local unit or its members, operating a clubroom facilities for the local unit.
4. A golf club having more than fifty (50) bona fide members and owning, maintaining or operating a bona fide golf course together with a clubhouse.
5. A social club with more than one hundred (100) bona fide members who are residents of Carbon County, owning, maintaining or operating club quarters, incorporated and operating solely as a nonprofit corporation under the laws of this state and qualified as a tax exempt organization under the internal revenue service code and having been continuously operating for a period of not less than one year. The club shall have had during this one year period a bona fide membership paying dues of at least twenty five dollars ($25.00) per year as recorded by the secretary of the club, quarterly meetings and an actively engaged membership carrying out the objects of the club. A social club shall, upon applying for a license, file with the town council and the Wyoming state liquor commission a true copy of its bylaws and shall further, upon applying for a renewal of its license, file with the town council and the Wyoming state liquor commission a detailed statement of its activities during the preceding year which were undertaken or furthered in pursuit of the objects of the club together with an itemized statement of amounts expended for such activities. Club members, at the time of application for limited retail liquor license, pursuant to Wyoming Statutes section 12-4-301, shall be in good standing by having paid at least one full year in dues.
6. Club does not mean college fraternities or labor unions.

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

MALT BEVERAGE: Any fluid, substance or compound intended for beverage purposes manufactured from malt, wholly or in part, or from any substitute therefor, containing at least one-half of one percent (0.5%) of alcohol by volume.

RESTAURANT: The space in a building maintained, advertised and held out to the public as a place where individually priced meals are prepared and served primarily for on premises consumption and where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages. The building shall have a dining room or rooms, a kitchen and the number and kinds of employees necessary for the preparing, cooking and serving of meals in order to satisfy the licensing authority that the space is intended for use as a full service restaurant. “Full service restaurant” means a restaurant at which waiters or waitresses deliver food and drink offered from a printed food menu to patrons at tables or booths. The service of only fry orders or such food and victuals as sandwiches, hamburgers or salads shall not be deemed a restaurant for the purposes of this chapter.

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

RETAIL LIQUOR LICENSE: The authority under which a retailer shall be permitted to sell alcoholic or malt beverages for use or consumption but not for resale.

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

**2-1-2: LICENSE REQUIRED:**

1. Required: No person shall possess for sale, sell or dispense any alcoholic or malt liquor without first obtaining a license to do so and paying the license fees therefor.
2. Application: Any person desiring a license under this chapter shall apply to the town council for the same. Such application shall be made upon a form prepared by the attorney general and shall meet the requirements prescribed by applicable Wyoming statutes.
3. Cost Of Publication Of Notice: Each applicant shall be responsible for the cost of publishing the statutory notice.
4. Procedure Upon Application: The procedure to be followed when an application has been filed shall be as prescribed by applicable Wyoming statutes.
5. Appeal Of Denials; Renewal Applicants Only: No applicant for a license under this chapter shall have a right of appeal from the decision of the governing body denying an application except applicants holding a license which is expiring and who are applying for a renewal.

**2-1-3: MALT BEVERAGE PERMITS:**

A malt beverage permit may be issued for the sale of malt liquors only at a picnic, bazaar, fair, rodeo or similar public gathering. No person holding such permit shall sell any alcoholic liquor except malt liquor on the premises described on the permit. The permit shall be issued for one 24-hour period and shall not authorize the sale of malt liquors on the premises described for more than six (6) 24-hour periods by any one person in any one year by the same permittee. The permit may be issued without notice on application by the governing body.

**2-1-4: CLUBS:**

1. Limited Retail Liquor License Required: Clubs shall be licensed under a limited retail liquor license.
2. Consumption On Premises: No club holding a limited retail license shall sell alcoholic or malt beverages for consumption anywhere except in the licensed premises and for consumption by its members and guests. It shall be the duty and obligation of each club to check and regulate the sale to members and guests and any and all alcoholic or malt beverages sold by it shall be consumed in the licensed premises.

**2-1-5: RESTAURANTS:**

Restaurants may be issued restaurant liquor licenses upon application and upon meeting all requirements prescribed by Wyoming Statutes. Any restaurant license issued shall be subject to all restrictions imposed by Wyoming Statutes.

**2-1-6: FEES:**

1. Retail Liquor Dealer: Every person licensed as a retail liquor dealer shall pay an annual fee of one thousand dollars ($1,000.00).
2. Club: Every club licensed under a limited retail liquor license shall pay an annual fee of one hundred dollars ($100.00).
3. Malt Beverage Permit: Every person issued a permit pursuant to section 2-1-3 of this chapter shall pay a fee of ten dollars ($10.00) per day.
4. Restaurant: Every restaurant licensed under a restaurant license shall pay an annual fee of one thousand dollars ($1,000.00).

**2-1-7: TERM:**

A license shall be a personal privilege, good for one year unless sooner revoked.

**2-1-8: RENEWALS:**

All renewals for a license shall be controlled by applicable Wyoming Statutes.

**2-1-9: REGULATIONS AND RESTRICTIONS AS TO PLACES OF SALE:**

1. Location:
	1. Retail Liquor License: The place in which alcoholic and malt beverages are sold under a retail liquor license shall be located in one room, at such location upon the premises for which the retail liquor license is issued as shall be approved by the governing body; except, that the licensee thereof may have and maintain one additional dispensing room in the same building, which additional dispensing room shall be operated under the authority of the same license as authorizes the licensee to operate a dispensing room as herein provided. The additional dispensing room may be on any floor.
	2. Additional Dispensing Room; Fee: The licensee shall pay an additional fee equal to two-thirds (2/3) of the fee paid for the retail license for authority to operate an additional dispensing room. Alcoholic and malt beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located.
2. Items Sold: Only alcoholic and malt beverages, nonalcoholic beverages, food and tobacco may be sold and served in the licensed room.
3. Inspections: All places licensed under this chapter shall be open for inspection by any peace officer at any time and such officers may enter therein without a search warrant for such purpose.
4. Separation Of Certain Facilities: The retail licensee may maintain an area for the sale of alcoholic and malt beverages for off premises consumption. In such cases the facility for making sales for off premises consumption shall be located adjoining the facility for making sales for on premises consumption. The two (2) facilities may be separated by a glass or other suitable partition if they are connected by a doorway to permit persons to pass freely between the two (2) facilities. No additional fee shall be assessed against a licensee who separates the licensed premises in this manner.
5. Additional Rooms For Convention Facilities: If the licensee is engaged in a business operation with convention facilities, the licensee may maintain more than one additional dispensing room for the same fee required by section 2-1-6 of this chapter.

**2-1-10: HOURS OF OPERATION:**

All persons licensed under this chapter shall on all days open the dispensing room no earlier than six o’clock (6:00) a.m. and close the dispensing room and cease the sale of both alcoholic and malt liquors promptly at the hour of two o’clock (2:00) a.m. the following day and shall clear the dispensing room of all persons other than employees by two thirty o’clock (2:30) a.m. and keep the same closed until six o’clock (6:00) a.m. the same day; provided, that in January of each year, the governing body may designate a total of four (4) days when all licensees may operate without restriction as to operating hours.

**2-1-11: PROHIBITED ACTS:**

1. Bottle Club: No person shall operate a bottle club.
2. Minors:
	1. Serve Or Deliver; Allow To Enter Or Remain:
		1. No holder of a license, his servant or employee, shall sell, give or deliver alcoholic or malt beverages to any person under twenty one (21) years of age or permit any person under twenty one (21) years of age to enter or remain in the place which alcoholic or malt beverages are sold.
		2. Any person who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic or malt beverage to any person under twenty one (21) years of age, who is not his legal ward, medical patient or member of his own immediate family, is guilty of a misdemeanor. This subsection does not apply to sales by the commission or a wholesaler to a licensee, as defined under Title 12, Wyoming State Statutes.
	2. Purchase; Possession, Under The Influence:
		1. Definition: For the purpose of this subsection, “under the influence” shall mean that alcohol is present in the system and is detectable by the smell of alcohol upon the breath of the individual or by blood alcohol or breathalyzer test.
		2. Prohibited: No person under the age of twenty one (21) shall purchase, attempt to purchase or have any alcoholic or malt beverage in his possession or shall be under the influence of alcoholic or malt beverages.
	3. False Identification: No person under the age of twenty one (21) shall falsify any identification or use any false identification in order to obtain alcoholic or malt beverages.
	4. Exceptions:
		1. Retail Food Service: No person under the age of twenty one (21) years shall enter or remain in any establishment which sells alcoholic or malt beverages; except a person under the age of twenty one (21) years may enter and remain in any room in which a regular retail food service is conducted and which room adjoins a licensed room.
		2. Dining Room Or Waiting Area Within Dispensing Room:
			* 1. Definitions: As used in this subsection, the following words and terms shall have the meanings ascribed to them in this subsection:

ADULT: A person over the age of twenty one (21) who is the parent or legal guardian of the person under the age of twenty one (21).

DINING OR WAITING AREA: A specifically delineated area which has been submitted with the licensee’s application and has been approved by the governing body.

* + - * 1. Presence Allowed: This subsection does not apply to a person under the age of twenty one (21) years if the underage person is in a dining room or waiting area within the dispensing room with an adult not later than ten o’clock (10:00) P.M.
		1. Exceptions: This section does not apply to possession of alcoholic or malt beverages by a person under the age of twenty one (21) years:
			- 1. When making a delivery of alcoholic or malt beverages pursuant to his employment;
				2. Who is in the physical possession of his parents or legal guardian;
				3. Who is dispensing or serving alcoholic or malt beverages or otherwise working in a dispensing room pursuant to his employment, if the person was at least nineteen (19) years of age on or before July 1, 1988.
	1. Consumption On Private Property; Appearance in Public: No person under the age of twenty one (21) shall consume alcohol upon public property or upon private property unless that property is owned by the person’s parents, nor shall any person under the age of twenty one (21) appear on any public property or in any public place within the town of Dixon with evidence of said consumption present even if the consumption occurred in the person’s home with the consent of his or her parents. For the purpose of this section evidence of consumption is present when the smell of alcohol is upon the breath of the minor or when alcohol is shown to be in the bloodstream as the result of a breathalyzer or blood test.
1. Gambling:
	1. Definitions: As used in this subsection:

ANTIQUE GAMBLING DEVICE: A mechanically or electronically operated slot machine that is at least twenty five (25) years old and used only for display or personal amusement in the owner’s residence, in public and private museums, in possession of a dealer or distributor of lawful gaming equipment or displayed at state or local historic sites.

CALCUTTA WAGERING: Wagering on the outcome of amateur contests, cutter horseracing, dogsled racing, professional rodeo events or professional golf tournament in which those who wager bid at auction for the exclusive right to “purchase” or wager upon a particular contestant or entrant in the event and when the outcome of the event has been decided the total wagers comprising the pool, less a percentage “take out” by the event’s sponsor, is distributed to those who “purchased” or wagered upon the winning contestants or entrants.

CHARITABLE OR NONPROFIT ORGANIZATION: An organization recognized as a charitable or nonprofit organization under Wyoming Statutes and which possesses a valid exemption from federal income tax issued by the internal revenue service under the provisions of 26USC section 501(c).

GAIN: The direct realization of winnings.

GAMBLING: Risking any property for gain contingent in whole or in part upon lot, chance, the operation of a gambling device or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control, but does not include:

1. Bona fide contests of skill, speed, strength or endurance in which awards are made only to entrants or the owners of entries;
2. Bona fide business transactions which are valid under the law of contracts;
3. Other acts or transactions now or hereafter expressly authorized by law;
4. Bingo games conducted, or pull-tabs sold, by charitable or nonprofit organizations where the tickets for the bingo are sold only in this state and the pull-tabs are sold only on the premises owned or occupied by the charitable or nonprofit organization provided that:
	1. Bingo games and pull-tab games shall only be conducted by charitable or nonprofit organizations, which have been in existence in this state for at least three (3) years;
	2. In conducting bingo games and pull-tab games the organization shall use only volunteers who are bona fide members of the charitable or nonprofit organization or employees or contractors who are paid by the organization to assist in the operation of the game;
	3. At least sixty five percent (65%) of all gross sales shall be redeemed as winnings each month. The net proceeds after payment of winnings shall be restricted as follows:
		* 1. No more than forty percent (40%) of net proceeds shall be paid to distributor or manufacturers of supplies or equipment necessary to conduct the game; and
			2. Seventy five percent (75%) of the net proceeds remaining after payment for all costs and supplies shall be donated within one year by the organization to a bona fide charitable or benevolent purpose;
	4. The charitable or nonprofit organization conducting the bingo game or pull-tab game may purchase supplies or equipment necessary to conduct the game from a distributor or manufacturer at a price based on a per card or pull-tab basis subject to the limitations provided in subsection d(4)(A) of this definition.
5. Any game, wage or transaction which is incidental to a bona fide social relationship, is participated in by natural persons only, and in which no person is participating, directly or indirectly, in professional gambling; or
6. Calcutta wagering on contests or events conducted by a bona fide nationally chartered veterans’, religious, charitable, educational or fraternal organization or nonprofit local civic or service club organized or incorporated under the laws of this state, provided that:
	1. The contest or event is conducted solely in this state;
	2. Any rules affecting the contest or requirements for participants are clearly posted;
	3. The total prizes or prize money paid out in any one contest or event does not exceed ninety percent (90%) of the total wagers;
	4. A minimum of ten percent (10%) of the total wagers on each contest or event is donated within one year by the sponsoring organization to a bona fide charitable or benevolent purpose;
	5. No separate organization or professional person is employed to conduct the contest or event or assist therein;
	6. The sponsoring organization before conducting the contest or event give thirty (30) days’ written notice of the time and place thereof to the governing body of the county or municipality in which it intends to conduct the contest or event and the governing body does not pass a resolution objecting thereto;
	7. The sponsoring organization has complied with the relevant sections of the internal revenue code of 1954, as amended, relating to taxes on wagering.
7. Display or private use of antique gambling devices in the owner’s residence;
8. Raffles conducted for charitable purposes.

GAMBLING DEVICE: Any device, machine, paraphernalia or equipment except an antique gambling device that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine.

GAMBLING PREMISES: Any building, room, enclosure, vehicle, vessel or other place, whether open or enclosed, used or intended to be used for professional gambling. Any place where a gambling device is found is presumed to be intended to be used for professional gambling.

GAMBLING PROCEED: All money or property at stake or displayed in or in connection with professional gambling.

GAMBLING RECORD: Any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

PROFESSIONAL GAMBLING:

a. Aiding or inducing another to engage in gambling, with the intent to derive a profit therefrom; or

b. Participating in gambling and having, other than by virtue of skill or luck, a lesser chance of losing or a greater chance of winning than one or more of the other participants.

PROFIT: Benefit other than a gain, which is realized or unrealized and direct, including benefits from unequal advantage in a series of transactions but does not include benefits of proprietorship or management of a business wherein a game, wager or transaction described in Wyoming Statutes 6-7-101(a)(iii)(E) occurs.

* 1. Penalties:
		1. A person who engages in any type of gambling commits a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both.

**2-1-12: TRANSFER OF ANNUAL LICENSE:**

A person seeking to transfer an annual license shall submit a new application form and shall pay to the clerk-treasurer at the time of such application a nonrefundable additional license fee of one hundred dollars ($100.00). The transfer application shall be accompanied with an amount sufficient to cover the costs of publishing the required statutory notice. The transfer application shall be set for public hearing and otherwise considered by the governing body in a manner consistent with Wyoming Statutes section 12-4-601.

**2-1-13: OPEN CONTAINER:**

It shall be unlawful for any person to have in his possession or automobile any open container which contains any alcoholic beverage in any public place including streets within the town except those establishments licensed to serve alcoholic beverages or within the confines of such places where the sale, dispensing or consumption of alcoholic liquors or malt beverages has been licensed or permitted pursuant to Wyoming Statutes section 12-2-202 or this chapter. For charter transportation services licensed pursuant to Wyoming Statutes section 12-2-202, each vehicle operating under the license must have conspicuously displayed in the rear window a copy of the license issued by the state. Provided, however, the town council, by resolution, from time to time can designate places and times during which this section shall not apply.

**2-1-14: REVOCATION OR SUSPENSION OF LICENSE:**

1. Cause: In addition to any other penalty which may be imposed pursuant to the provisions of this code or state law, the violation of any provision of this chapter by any licensee may be sufficient cause for the suspension or revocation of the license.
2. Civil Action: An action to revoke any license or permit for the reason that the license was unlawfully granted; or that the licensee or permittee was not entitled to receive the same; or that the place of sale in which alcoholic or malt liquors are sold under such license is not a proper place for sale of the same; or that the licensee or permittee is permitting activities in such place of sale forbidden by ordinance or which are detrimental to the welfare, health, morals and safety of the people of the town; or that the licensee or permittee has violated any of the provisions of this chapter, many be brought in the name of the town. Such action shall be civil in nature and commenced as are civil actions.

**2-1-15: PENALTY:**

The violation of any provision of this chapter shall be a misdemeanor.

**Chapter 2**

**TOBACCO**

**2-2-1: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

TOBACCO PRODUCTS: Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

VENDING MACHINE: Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or other form of payments, dispenses tobacco products.

**2-2-2: PROHIBITED SALES OR DELIVERY:**

1. Prohibited: No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.
2. Violation: Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not more than fifty dollars ($50.00).
3. Affirmative Defense: It is an affirmative defense to a prosecution under subsection A of this section that:
	1. In the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco products as being over eighteen (18) years of age; or
	2. The tobacco product was given or delivered to the person under eighteen (18) years of age by his parent or guardian and the tobacco product was given or delivered to the person for use in the privacy of his parent’s or guardian’s home or under the direct supervision of the parent or guardian.

**2-2-3: POSTED NOTICE; LOCATION OF VENDING MACHINES:**

1. Posting Required: Any person who sells tobacco products shall post signs informing the public of the age restrictions provided by this chapter at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to persons under eighteen (18) years of age is prohibited by law.
2. Vending Machines: No person shall sell or offer tobacco products through a vending machine unless the vending machine is located in:
	1. Business, factories, offices or other places not open to the general public.
	2. Places to which persons under the age of eighteen (18) years of age are not permitted access; or
	3. Business premises where alcoholic or malt beverages are sold or dispensed and the entry by persons under eighteen (18) years of age is prohibited.
3. Penalty: Any person violating subsection A or B of this section is guilty of a misdemeanor punishable by a fine of not more than fifty dollars ($50.00). Each day of continued violation shall be deemed a separate offense.

**2-2-4: PURCHASING BY MINORS:**

1. Prohibited: No person under the age of eighteen (18) years shall purchase tobacco products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing tobacco products.
2. Penalty: Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not more than twenty five dollars ($25.00). Upon a conviction for violation of subsection A of this section, the municipal court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars ($5.00) for each hour of work performed.

**2-2-5: POSSESSION OR USE BY MINORS:**

1. Prohibited: It is unlawful for any person under the age of eighteen (18) years to possess or use any tobacco products.
2. Penalty:
	1. Fine: Any person violating subsection A of this section is guilty of a misdemeanor punishable by a fine of not more than twenty five dollars ($25.00).
	2. Community Service: Upon a conviction for violation of subsection A of this section, the municipal court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars ($5.00) for each hour of work performed.
3. Affirmative Defense: It is an affirmative defense to a prosecution under subsection A of this section that the defendant possessed or used the tobacco product in the home of, or under the direct supervision of, his parent or guardian.

**Chapter 3**

**BUSINESS LICENSE FEES AND GENERAL PROVISIONS**

**2-3-1: PURPOSE; AUTHORITY; GENERAL PROVISION:**

The purpose of this chapter of licensing and regulating certain types of businesses and events held within the town is to protect the health, safety and general welfare of those receiving goods and services, and to provide uniform regulations for the providers of goods and services. The provisions of this chapter are pursuant to authority granted cities and towns under Wyoming Statutes 15-1-103(a)(xiii). The provisions of this chapter govern every occupation or business specified except where the ordinances of the town provide more specific regulations and requirements for the business or activity for which a license or permit is issued.

The mayor or town council may suspend or revoke a license or permit when the licensee or permittee commits one or more of the following:

1. A violation of any provision of this chapter;
2. A violation of any ordinance provision relating to health and safety;
3. Securing any license or permit by fraud or misrepresentation, to specifically include false or incorrect information on the license or permit application form.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116056**

**2-3-2: DEFINITIONS:**

The following definitions shall apply in the interpretation and enforcement of this chapter:

"License" or "permit" means the authority granted by the town to a person to engage in a specific business or occupation, or to conduct an event for which a license or permit is required. Each license and permit issued is signed by the mayor and clerk-treasurer under the town seal.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116057**

**2-3-3: TYPE OF BUSINESSES, ACTIVITIES AND EVENTS:**

For the purpose of this chapter, the following types of business and event activities are identified and may include more specific regulations contained elsewhere in this code or other ordinances per type of business, activity or event:

Amusement:

1. Circuses and carnivals. The license fee for conducting a circus or carnival shall be one hundred dollars ($100.00) per day. The permissible hours of operation for every circus, carnival or exhibition conducted within the town will be daily from eleven o'clock (11:00) A.M. to twelve o'clock (12:00) midnight.

Auctioneer. The license fee for conducting as an auctioneer shall be fifty dollars ($50.00). Applicants must also file with the town clerk a surety bond in favor of the town in the amount of one thousand dollars ($1,000.00). Licensees will render true and strict accounts of sales to any person employing them; will not practice any fraud or deceit upon bidders or purchasers of property at any auction sale, or permit any person in their employ to practice any such fraud or deceit; and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence or other wrongful act on the part of the licensee, his or her agent or employees in the conduct of any action or in the exercise of the calling of auctioneer. A liability insurance policy issued by an insurance company authorized to do business in the state which conforms to the above requirements may be permitted in lieu of a bond.
2. Body art establishments and operations:
	1. The license fee for a body art establishment shall be one hundred dollars ($100.00) per year.
	2. The license fee for a temporary body art establishment shall be fifty dollars ($50.00) per fourteen (14) day period or portion thereof.
3. Food service establishments (temporary vendors). The license fee for conducting a temporary food service establishment shall be ten dollars ($10.00) per year per location.
4. Temporary/transient merchants; door to door solicitors. The licensing fee for a temporary or transient merchant license for a fourteen (14) day period will be seventy five dollars ($75.00); the licensing fee for a comprehensive temporary or transient merchant license will be two hundred seventy five dollars ($275.00) per year. Home maintenance solicitors must also file with the town clerk a liability insurance policy issued by an insurance company authorized to do business in the state which conforms to the above requirements and may be permitted in lieu of a bond.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116058**

**2-3-4: LICENSE REQUIRED; DOCUMENTATION; FEES:**

Each person required to obtain a license or permit under provisions of this chapter shall obtain and submit an application to the clerk-treasurer. The applicant must provide all information requested on the form for each particular type of license or permit sought, including the applicant's name, business and/or event name, location or street address where the business and/or event will be conducted. All applications must be signed by the applicant as being true and correct.

No business applicant shall be licensed or permitted, or conducted from any location unless the same is in compliance with the provisions of the town's zoning ordinance.

Supporting or additional documentation may be required prior to issuance of any license or permit. The clerk-treasurer must approve all bonds or proof of insurance required as a condition to the issuance of a license or permit.

The initial and renewal fee for each license and permit required shall be set forth for that particular type of business and/or event. No license or permit will be issued until the fee has been paid, and no license will be granted for an amount less than the stipulated fee. Unless otherwise specified in this chapter or by other ordinance, the initial and renewal fee for every license and permit issued pursuant to this chapter will be twenty five dollars ($25.00).

No fee will be refunded once the license or permit is issued.

All applications for initial licenses and permits for the operation of a specific business or event, or for a location not previously utilized for such business and/or event, must be approved by the governing body prior to issuance by the clerk-treasurer.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116059**

**2-3-5: LICENSE DISPLAY; POSSESSION:**

The holder of every business and/or event license or permit issued under this chapter, or other ordinance of the town, shall at all times display the license and permit prominently in the business or at the site of the event. Each person who is licensed under this chapter to work at any specified occupation shall be in possession of a current license or permit at all times while engaged in such work.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116060**

**2-3-6: TRANSFER OF OWNERSHIP; FEE:**

Licenses and permits are personal privileges to the person to whom they are issued, but may be transferred by completing an application provided by the clerk-treasurer. If required by the clerk-treasurer, a transfer request may require written proof of the assignment. All transfer of ownership applications should be filed within thirty (30) days of the sales or assignment of the business.

A fee of fifteen dollars ($15.00) will be assessed for each transfer of ownership application filed. Upon approval of the transfer application, a new license will be issued to be effective for the balance of the existing licensing term.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116061**

**2-3-7: TRANSFER OF LOCATION; FEE:**

Each business license and permit issued entitles the licensee or permittee to operate only in the location described in the license or permit. Should any licensee or permittee desire to move to a different location, a formal request for such change shall be made on forms provided by the clerk-treasurer.

A fee of fifteen dollars ($15.00) will be assessed for each transfer of location request.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116062**

**2-3-8: REGISTER OF LICENSES:**

The clerk-treasurer shall maintain a license and permit register, reflecting the name of each licensee and permittee, the address at which such business and/or event is conducted, the date of issuance, the type of license or permit, the fee paid and the duration of the license or permit.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116063**

**2-3-9: LICENSE AND PERMIT DURATION; RENEWAL:**

All current licenses and permits issued under this chapter shall expire annually, one year from the date of issuance.

Each person licensed or permitted to engage in any annual business and/or event as outlined in this chapter must renew such license or permit prior to expiration of the current license and permit. The clerk-treasurer will provide renewal application forms. The clerk-treasurer has the authority to approve or deny an application for renewal.

If a renewal application has not been received by the clerk-treasurer prior to expiration of the current annual license or permit, the license or permit shall expire and will not be eligible for renewal. An application for a new license or permit must be submitted.

Any person who continues to operate a business without renewing a license or securing a new license as required to continue operation will be deemed to be operating without a license in violation of this chapter.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116064**

**2-3-10: SUSPENSION AND REVOCATION:**

In the event the mayor or town council deems a license or permit should be suspended or revoked, the following procedures shall be followed:

1. The licensee or permittee will be notified, in writing, by certified mail, by the clerk-treasurer at least seven (7) days prior to the action contemplated, stating the reason therefor;
2. Upon receipt of the notice, the licensee or permittee may request a hearing. The request must be in writing and received by the clerk-treasurer within seven (7) days of receipt of the notice. Failure on the part of the licensee or permittee to request a hearing in writing within the specified time shall be deemed a waiver of the licensee's or permittee's right to request a hearing.
3. If a hearing is requested, the licensee or permittee and other interested parties may be in attendance to present any information relative to the proposed suspension or revocation of the license or permit. The hearing, deliberations and notification of decision regarding the suspension or revocation will be conducted pursuant to the Wyoming administrative procedure act, Wyoming Statutes 16-3-101 et seq. The clerk-treasurer will notify the licensee or permittee in writing, by certified mail, of the governing body decision as the result of the hearing.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116065**

**2-3-11: EMERGENCY SUSPENSION:**

If the governing body finds that cause exists for an immediate suspension or revocation of a license or permit, an order for immediate suspension may be entered. The licensee or permittee, upon notice of suspension or revocation, may request a hearing before the governing body and the hearing will be conducted in the manner prescribed under section [2-3-10](http://www.sterlingcodifiers.com/codebook/?ft=3&find=2-3-10), "Suspension And Revocation", of this chapter.

**http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=116066**

**2-3-12: VIOLATION; PENALTY:**

A person who violates the provisions of this chapter will be guilty of a misdemeanor, punishable pursuant to the provisions of the general penalty of this code.

**Title 3
PUBLIC HEALTH AND SAFETY**

**Chapter 1
NUISANCES**

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&chapter\_id=13730

**3-1-1: CERTAIN CONDITIONS DECLARED NUISANCE:**

The following conditions upon lands within the limits of the town of Dixon are hereby declared to be public nuisances: "wastes", "garbage and trash", "junk", "weeds", "grasses", "obstructions", and "abandoned vehicles" as defined as in section 3-1-2 of this chapter.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=282398

**3-1-2: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ABANDONED VEHICLES: Vehicles constituting a nuisance are prohibited. No person shall abandon or leave any vehicle upon any private property, public property or roadway for such time and under such circumstances as to cause such vehicle to become a nuisance. A vehicle, including but not limited to motor vehicles, trailers, campers and camper trailers, that is upon public or private property and which meets any of the following criteria, is an abandoned vehicle:

A. When any vehicle with any of the tires of the main wheels are deflated or removed for a period of more than twenty (20) days.

B. When the vehicle is totally or partially suspended off the ground by jacks, blocks, or other lifting devices for a period of twenty (20) days or more.

C. When the vehicle's windshield or window glass is broken out, door, hood, trunk, or running gear removed, or with more than fifty percent (50%) of the interior removed for twenty (20) days or more.

D. When current license plates or valid temporary permits are not displayed on such vehicle; provided, that this shall not apply to vehicles in the possession of licensed dealers for purpose of sales at the place licensed for such sale.

E. When a vehicle is inoperable and/or any part of the mechanism of the vehicle has been removed so as to render the vehicle inoperable other than for repair.

GARBAGE AND TRASH: The presence of trash is defined as to include, but not be limited to, wire, bottles, broken glass, dead weeds, stumps, brush, shoes, discarded parts, appliances, equipment, yard trimmings, discarded building materials, paper and cloth products, ash, wood, glass, metal, cloth, leaves, hay/alfalfa, and solid wastes resulting from industrial and manufacturing processes. Also, any other material, manmade or organic, that is considered a breeding ground for rodents and pests living in and/or feeding in the area, as these are considered a health risk. Also included is any material considered to be a fire hazard.

JUNK: The presence of junk, which is defined to include lumber, barrels, metals, discarded appliances, or any worn, cast off, or discarded articles, and materials which are ready for destruction or have been collected and stored for salvage or conversion to some other use. Any article of material which, unaltered or unchanged can be used as readily as when new shall not be considered junk. Any and all portions of disabled vehicles, not being used for the repair of a vehicle within twenty (20) days shall be considered junk.

OBSTRUCTIONS: Any item including, but not limited to, bushes, hedges, trees, fences, walls, or structures which impede the view of a driver of a vehicle, or which hinder the passage of pedestrians on sidewalks, alleyways, and streets shall be deemed a nuisance.

WASTES: Wastes resulting from the handling, preparation, cooking, or consumption of foods; wastes from the handling, storage and sale of produce; any other matter whatsoever that may decompose and become foul, offensive, unsanitary or dangerous to the health. Domestic composting shall not be considered a nuisance unless shown to be a breeding ground for rodents or pests or a health hazard.

WEEDS AND GRASSES: All weeds defined as noxious by the Wyoming board of agriculture or the Wyoming weed and pest council, and all weeds or tall grasses within the town limits, which exceed a height of eight inches (8") are a nuisance unless cultivated for aesthetic purposes. Trees, flowers, or other ornamental plants are not to be considered a nuisance except as they may constitute obstructions.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=282399

**3-1-3: AUTHORITY TO REMOVE ABANDONED VEHICLES:**

A. Authority To Move: Whenever an abandoned vehicle is found parked on a town street, on a public highway, or in an alleyway, the police or a municipal officer are authorized to move such vehicle, or to require the driver, owner, or other person in charge of the vehicle to move the same.

B. Responsibility For Expenses: The registered owner of any vehicle moved pursuant to subsection A of this section shall be responsible for all expenses of moving, including, but not limited to, towing and storage.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=282400

**3-1-4: DECLARATION OF NUISANCE:**

The accumulation or storage of any of the items defined in section 3-1-2 of this chapter on public or private property is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering to create harborage for insects, rodents, skunks, and other vermin, and to be injurious to the health, safety, and general welfare of the public. Therefore, the presence of any of these items on public or private property is declared to constitute a public nuisance which must be removed as such in accordance with the provisions of this chapter.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=282401

**3-1-5: COMPLAINT; WRITTEN NOTICE:**

The owner or occupant of any premises shall be liable for compliance with this chapter, and if such person shall refuse to comply with the provisions of this chapter, he/she shall be given notice requiring removal of the offending item(s) within ten (10) days from the receipt of such notice. Notice shall be deemed delivered when personally served or deposited in the United States mail by registered or certified mail, with postage prepaid, and addressed to the owner or occupant of the premises.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=282402

**3-1-6: CITATION:**

In the event the owner, agent or occupant fails to remove the nuisance(s) within ten (10) days, or if the owner, agent or occupant receives a second written notice for the same specific offense as specified in section 3-1-5 of this chapter within any three hundred sixty five (365) day period, the owner, agent or occupant shall be charged with violating this chapter by issuance of a criminal citation, complaint, or information. In the event he/she is found guilty, the possible penalty shall be the same as set forth in section 3-1-8 of this chapter.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=282403

**3-1-7: SERVICE OF ABATEMENT ORDER FOLLOWING TRIAL:**

In the event the property owner is convicted of violating this chapter, an order to abate a nuisance shall be issued, in writing, and shall specify the location and nature of the nuisance and the identity of the property owner or occupant. The order shall specify the time within which the nuisance must be abated. If the property owner cannot be found or refuses to accept service of the order, the order may be served by posting it upon the subject property.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=282404

**3-1-8: FAILURE TO COMPLY; COSTS AND FINES:**

A. Misdemeanor: Any person convicted of violation of this chapter is guilty of a misdemeanor which is punishable by a maximum possible fine of seven hundred fifty dollars ($750.00) and ten dollars ($10.00) court costs, with a minimum fine of one hundred dollars ($100.00).

B. Civil Contempt: If the property owner fails to comply with an order of abatement, the court may also assess a fine for civil contempt in an amount of not more than two hundred dollars ($200.00) per day of noncompliance (whether the nuisance was abated by the property owner after the time limits expired, or remains unabated) for each day that the nuisance continued unabated after the time limits specified in the order of abatement until the removal was completed.

C. Costs Of Abatement: In the event the municipality seeks the imposition of fees for the costs of abatement, a copy of the petition shall be served upon the property owner by ordinary mail and a hearing date set to determine the appropriate amount of fines or charges.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=282405

**3-1-9: ORDER AND LIEN:**

A. Order Constitutes A Lien: Upon final disposition of the case, if any costs or fines are outstanding, the municipal court shall enter an order, in writing, specifying the amount of costs charged and the amount of any fines imposed, which order shall be signed by the municipal judge. The order shall further contain a legal description of the subject property and shall provide that the amount of costs and fines of the order, along with interest at the rate of ten percent (10%) per annum, shall constitute a lien against the property in favor of the town and a copy of the order shall be filed with the Carbon County clerk in the real estate records maintained in that office.

B. Release Of Lien: Release of said lien shall be provided to the property owner upon payment in full of the costs, fines, and interest. The property owner shall be responsible for filing the release with the Carbon County clerk.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=282406

**3-1-10: POWERS NOT REDUCED OR DIMINISHED:**

Nothing in this chapter shall be deemed in any way to reduce or diminish the powers of the town to regulate nuisances and take other action in respect to the protection of the health, safety, and welfare in general of the citizens of the town.

**Chapter 2
REFUSE, GARBAGE AND WEEDS**

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&chapter\_id=13731

**3-2-1: DEFINITIONS:**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

ABANDONED VEHICLES: No person shall abandon or leave any vehicle upon any private property, public property or roadway for such time and under such circumstances as to cause such vehicle to become a nuisance. A vehicle, including, but not limited to, motor vehicles, trailers, campers and camper trailers, that is upon public or private property and which meets any of the following criteria, is an abandoned vehicle:

A. When any vehicle with any of the tires of the main wheels are deflated or removed for a period of more than twenty (20) days.

B. When the vehicle is totally or partially suspended off the ground by jacks, blocks, or other lifting devices for a period of twenty (20) days or more.

C. When the vehicle's windshield or window glass is broken out, door, hood, trunk, or running gear removed, or with more than fifty percent (50%) of the interior removed for twenty (20) days or more.

D. When current license plates or valid temporary permits are not displayed on such vehicle; provided, that this shall not apply to vehicles in the possession of licensed dealers for purpose of sales at the place licensed for such sale.

E. When a vehicle is inoperable and/or any part of the mechanism of the vehicle has been removed so as to render the vehicle inoperable other than for repair.

GARBAGE: Wastes resulting from the handling, preparation, cooking or consumption of foods; wastes from the handling, storage and sale of produce; any other matter whatsoever that may decompose and become foul, offensive, unsanitary or dangerous to health.

REFUSE: Combustible and noncombustible discarded materials including, but not limited to, paper, wood, glass, metal and cloth products, yard trimmings, tree branches, furniture, bedding, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing processes.

YARD WASTE: Debris such as grass clippings, leaves, garden waste, brush and trees.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=500723

**3-2-2: MAINTENANCE OF PROPERTY:**

A. Duty To Maintain: It shall be the duty of any owner, agent, tenant, purchaser, contractor or lessee of any premises within the town including places of business, dwelling houses, apartments, tenements, construction sites or other establishments, at all times, to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of materials other than those necessary or ordinarily attendant upon the use for which such premises are legally intended.

B. Duties Enumerated: It shall be the duty of any owner, occupant or agent having control of any lot or premises, as well as any portion of any alley adjoining the premises, to:

1. Mow, cut, destroy or spray all weeds.

2. Remove all trash, garbage, junk, abandoned vehicles, unused vehicles, abandoned machinery, unused machinery, junk machinery, abandoned and discarded appliances and all other refuse.

C. Nuisance Declared: Any accumulation of trash, garbage, junk, abandoned vehicles, unused vehicles, abandoned machinery, unused machinery, junk machinery, abandoned and discarded appliances and all other refuse is hereby declared to constitute a nuisance and a nonconforming use of the premises.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=500724

**3-2-3: CONTAINERS:**

A. Required; Specifications: All garbage and refuse containers shall be provided by the contracted sanitation company. Only garbage and debris placed in the provided containers will be picked up by the sanitation company.

B. Placement In Containers Required: All garbage and refuse shall be placed in containers as specified; provided, however, yard trimmings, grass, leaves and similar items may be placed in sturdy boxes, dumpsters or similar containers.

C. In the event the Town of Dixon does not supply garbage and refuse containers, the resident shall keep garbage and refuse in a suitable container. The container must have a lid.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=500725

**3-2-4: TREE TRIMMINGS:**

Any person who shall trim trees on any property within the town shall be responsible for the removal, from the streets, alleys and other public ways of the town, of all trash, limbs and other debris created by such trimming.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=500726

**3-2-5: BURNING OF SOLID WASTE:**

A. Definitions: As defined for the purposes of this section:

SOLID WASTE: Shall include, but is not limited to:

   Ashes: The residue from the burning of wood, coal, or other combustible materials.

   Bulky Waste: That item which precludes or complicates handling by normal collection, processing, or disposal methods because of its large size.

   Garbage: Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

   Hazardous Waste: Any waste or combination of wastes which pose a substantial present or potential hazard to human health, the environment, plants, or animals because such wastes are nondegradable or persistent in nature or because they can be biologically magnified or because they can be lethal or because they may otherwise cause or tend to cause detrimental cumulative effects.

   Refuse: All putrescible and nonputrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

   Rubbish: Nonputrescible solid waste (excluding ashes) consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, leaves, bark, wood, glass, bedding, dishes and similar materials. Rubbish does not include wood, bark or paper burned in a fireplace used for aesthetic enjoyment or as a source of heat.

B. Prohibited:

1. Burning of solid waste within the town of Dixon shall not be permitted, except as described in subsection B2 of this section, and persons found guilty of this offense shall be in violation of this section.

2. Incineration systems which meet all applicable air quality and emission standards, and where the waste cannot be disposed of in accordance with the normal collection procedures, shall be permitted upon obtaining the approval of the town and all other agencies who have jurisdiction over the same.

C. Penalty: Any person, firm or corporation violating this section shall be charged with a misdemeanor and upon conviction shall be fined in an amount not to exceed seven hundred fifty dollars ($750.00), plus costs. Violation of this section shall be deemed a separate offense on each day that a violation shall occur.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=500727

**3-2-6: FEES:**

The fees to be charged for the removal of garbage and refuse shall be as established by the town council from time to time.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=500728

**3-2-7: VIOLATIONS; ISSUANCE OF NOTICE:**

A. Liability For Compliance: The owner, agent or occupant of any premises shall be liable for compliance with this chapter and if such person shall refuse to comply with the provisions of this chapter, he shall be given written notice requiring removal of the offending item within seven (7) days from the receipt of such notice.

B. Delivery Of Notice: Notice shall be deemed delivered when personally served or deposited in the United States mail, with postage prepaid, and addressed to the owner or occupant of the premises.

C. Failure To Comply: Upon failure to comply with any written notice given pursuant to subsection A of this section, the town shall have the authority to remove any offending item and charge the cost thereof as a special bill for refuse removal. In the event such bill is not promptly paid for, it shall become a lien against the property and collectable as such.

D. Penalty: The abatement of the nuisance by the town shall not relieve the person in charge or control of such property of any penalty imposed for violation of this chapter.

**Chapter 3
RESTRICTION OF MOVEMENT CONCERNING SEX OFFENDERS RESIDING WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF DIXON**

**3-3-1: PURPOSE:**

In order to safeguard and protect the health, safety and welfare of the children of the Town, and in particular to protect the children of the Town from access by convicted sex offenders who may be present in the Town, it is hereby declared that the movement of certain convicted sex offenders must be regulated, particularly in the areas of school grounds, community recreational facilities and facilities where children are cared for.

**3-3-2: DEFINITIONS:**

As used in this article, the following terms shall have the meanings indicated:

COMMUNITY RECREATIONAL FACILITY: A place, area, structure, or other facility owned or operated by a governmental entity or certified nonprofit organization used by persons in the community to carry out recreational activities, including outdoor and indoor facilities such as tennis courts, swimming pools, soccer fields, baseball fields, playgrounds, and/or similar facilities.

FACILITY OR INSTITUTION PRIMARILY USED FOR THE CARE OR TREATMENT OF PERSONS UNDER THE AGE OF 18: Any facility or institution primarily used for the care or treatment of persons under the age of 18 while one or more of such persons under the age of 18 are present, including but not limited to day-care centers licensed, certified or otherwise sanctioned by the State of Wyoming.

CONVICTED SEX OFFENDERS: A person convicted of a criminal offense specified in W.S. 7-19-302(g) through (j), or convicted of a criminal offense from Wyoming or any other jurisdiction containing the same or similar elements, or arising out of the same or similar facts or circumstances, as a criminal offense specified in W.S. 7-19-302(g) through (j);

SCHOOL GROUNDS:

1. Any area in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school; or
2. Any area accessible to the public located within 1,000 feet of the real property boundary line comprising any such school, or any parked automobile or other parked vehicle located within 1,000 feet of the real property boundary line comprising any such school. For the purposes of this subsection, an “area accessible to the public” shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

**3-3-3: PROHIBITED CONDUCT:**

1. All sex offenders are hereby prohibited from knowingly entering into or upon any school grounds, community recreational facilities or any facility or institution primarily used for the care or treatment of persons under the age of 18; provided, however, that if such sex offender is a registered student or participant or an employee of such school grounds or facility or institution primarily used for the care or treatment of persons under the age of 18, or an entity contracting therewith, or has a family member enrolled in such school grounds or facility or institution primarily used for the care or treatment of persons under the age of 18, said sex offender may enter upon such facility only if a written authorization of his or her probation officer or the court and the superintendent or chief administrator of such school grounds or facility or institution primarily used for the care or treatment of persons under the age of 18 is obtained and for the limited purposes authorized by the probation officer or the court and superintendent or chief officer of such school grounds or facility. In addition to the foregoing, such sex offender may also lawfully enter into or upon a school grounds or facility or institution primarily used for the care or treatment of persons under the age of 18 if he or she:
	1. Has a medical emergency requiring immediate attention at a health care provider; or
	2. Has lawful business at a federal, state or local court or governmental agency located at or near such facility; or
	3. Is traveling on an interstate roadway within the proximity of a school grounds, community recreational facility or a facility or institution primarily used for the care or treatment of persons under the age of 18.
2. Nothing in this article shall be construed as restricting any lawful condition of supervision that may be imposed on a sentenced sex offender.

**3-3-4: PENALTIES FOR OFFENSES:**

A violation under this article shall be subject, upon conviction, is subject to the general penalty provisions of the Town.

**Chapter 4**

**SPRAYING OF PESTS AND WEEDS**

**3-4-1: PURPOSE:**

This chapter is declared to be a public health and sanitary measure, enacted for the promotion and protection of the public health and safety and to prevent nuisances and other weed and pest problems. The town council and town clerk (“town”) are authorized, empowered and directed to use every means at their disposal for the enforcement of this chapter.

**3-4-2: DEFINITIONS:**

PESTS: For purposes of this chapter, all types and kinds of insects, including the housefly, gnats, mosquitoes, mayflies and all other types of insects which are offensive and apt to transmit and carry germs to the detriment of the public health, comfort and safety.

WEEDS: For purposes of this chapter, all weeds defined as noxious by the Wyoming board of agriculture or the Wyoming weed and pest council, and all weeds or tall grasses within the town limits, which exceed a height of eight inches (8") are a nuisance unless cultivated for aesthetic purposes. Trees, flowers, or other ornamental plants are not to be considered a nuisance except as they may constitute obstructions.

**3-4-3: NUISANCE DECLARED:**

The existence of pests and weeds is declared to be a nuisance.

**3-4-4: SPRAYING – GENERALLY:**

The town council or its designee may cause the pest and weed nuisance declared in this chapter to be abated and removed by causing the town to be sprayed from the air or ground to kill and destroy such pests and weeds as the town deems necessary. The type and kind of spray and the time of such spraying shall be under the direction and control of the contractor.

**3-4-5: SPRAYING – CONTRACTS:**

The town may enter into contracts for spraying as provided in this chapter and purchase such spray as may be necessary, but the town council shall approve all such contracts prior to their execution.

**3-4-6: SPRAYING – PRIVATE:**

This chapter does not prevent any resident of the town from his or her use of pest or weed control sprays upon his or her own property.

http://sterlingcodifiers.com/codebook/index.php?book\_id=397&section\_id=500729

**Title 4**

**POLICE REGULATIONS**

**Chapter 1**

**GENERAL OFFENSES**

**4-1-1: AIDING AND ABETTING:**

Any person who knowingly aids, abets or assists another person in an act that is a violation of this code is guilty of a misdemeanor.

**4-1-2: ASSAULT:**

Whoever, having the present ability to do so, unlawfully attempts to commit a violent injury on the person of another is guilty of an assault.

**4-1-3: ASSAULT AND BATTERY:**

It shall be unlawful to touch another person in a rude, insolent or angry manner.

**4-1-4: CRIMINAL ENTRY:**

1. Prohibited: A person is guilty of criminal entry if, without authority, he knowingly enters a building, occupied structure, vehicle or cargo portion of a truck or trailer, or a separately secured or occupied portion of those enclosures.
2. Affirmative Defense: It is an affirmative defense to prosecution under this section that:
	1. The entry was made because of a mistake of fact or to preserve life or property in an emergency;
	2. The enclosure was abandoned;
	3. The enclosure was at the time open to the public and the person complied with all lawful conditions imposed on access to or remaining in the enclosure; or
	4. The person reasonable believed that the owner of the enclosure, or other person empowered to license access to the enclosure, would have authorized him to enter.

**4-1-5: CRIMINAL TRESPASS:**

A person is guilty of criminal trespass if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so, or after being notified to depart or to not trespass. For purposes of this section, notice is given by:

1. Personal communication to the person by the owner or occupant, or his agent, or by a peace officer; or
2. Posting of signs reasonable likely to come to the attention of intruders.

**4-1-6: DESTRUCTION OF PROPERTY:**

No person shall willfully injure or destroy any property of another or any public property.

**4-1-7: DISORDERLY CONDUCT:**

No person shall:

1. Violent Or Tumultuous Act:
	1. Property: Commit an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
	2. Person: Commit an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health.
2. Fight, Brawl Or Riotous Conduct: Cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.
3. Incite Or Attempt To Incite Riot: Incite, attempt to incite, or be involved in attempting to incite a riot. For the purposes of this section, the term “riot” shall mean a tumultuous disturbance of the peace by persons assembled and acting with a common intent to the terror of the people of the town, either in executing a lawful enterprise in a violent or turbulent manner or in executing an unlawful enterprise in a violent or turbulent manner.
4. Obstruct Traffic: Obstruct, either singly or together with other persons, the flow of vehicular or pedestrian traffic or refuse to clear such public way when ordered to do so by the police or other lawful authority known to be such.
5. Damage To Property: Damage, befoul or disturb public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
6. Failure To Obey Police Officer: Fail to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.
7. Resist Or Obstruct Performance Of Duties Of Town Official: Resist or obstruct the performance of duties by police or any other authorized official of the town when known to be such an official.
8. Interfere With Lawful Occupation Of Another: Interfere with another’s pursuit of a lawful occupation by acts of violence.
9. Obscene Language: Use abusive, profane or obscene language in any public place.
10. Disturbing The Peace: By any loud talking, by threatening abusive, profane or obscene language, or violent actions or by any other rude behavior, interrupt or disturb the peace of the town or any of its inhabitants.

**4-1-8: DISTURBING ASSEMBLAGES:**

1. Lawful Assembly: No person shall disturb any lawful assemblage of people by rude, boisterous or indecent behavior or otherwise.
	1. Religious Worship: No person shall annoy or disturb any congregation or assembly, gathered together for religious worship, by making a noise, by rude or indecent behavior or profane discourse, within the place wherein such congregation or assembly is gathered together or so near the same as to be heard by or tending to disturb the persons so engaged or assembled.

**4-1-9: FALSE REPORTING:**

A person who knowingly reports falsely to a law enforcement agency or a fire department that a crime has been committed is guilty of a misdemeanor.

**4-1-10: FENCES AROUND EXCAVATIONS:**

No person shall leave any excavation in an open or uncovered condition, or in any such condition as may cause danger to life or property upon any premises of which such person is the owner, agent or other representative unless the ground upon which excavation is situated is enclosed by a substantial fence.

**4-1-11: FIREARMS:**

1. Discharge: No person shall fire or discharge any cannon, gun, fowling piece, pistol or firearm of any description; or fire, explode or set off any squib, cracker or other thing containing powder or other combustible or explosive material, without written permission from the town council, which permission shall limit the time of such firing, and shall be subject to revocation by the town council at any time after being granted.
2. Possession: Persons other than an authorized officer of federal, state or town government are authorized to carry a concealed firearm as long as they comply with Wyoming Statutes section 6-8-104.

**4-1-12: GAMBLING:**

1. Prohibited: No person shall play, deal, carry on or conduct any game whatsoever or any plan, scheme or device for money, checks, credits, goods, chattels or anything of value by means of cards, dice, wheels, slot machines, vending devices, tops, punchboards, lotteries, raffles or any contrivance, means, device or machine of any denomination or name whatsoever within the town.
2. Allowing On Premises: No person shall knowingly permit subsection A of this section to be violated in or upon the premises owned, managed or controlled by him.
3. Confiscation Of Devices: It shall be the duty of the police to seize any game, device, cards, tools and implements or other articles or things designed for the purpose of gambling, employed or used by or in the possession of parties arrested for gambling, and, upon conviction of the parties so arrested, and upon order of the judge, to confiscate and destroy the same.
4. Exception: Nothing in subsection A, B or C of this section shall be construed to apply to games of chance known as raffles or bingo conducted by charitable or nonprofit organizations if the tickets of such raffles or bingo are sold only within this state.

**4-1-13: GLUE SNIFFING AND OTHER DANGEROUS SUBSTANCES:**

1. Prohibited:
	1. Prohibitions: No person shall, for the purpose of causing or so as to result in a condition of intoxication, euphoria, excitement, exhilaration, stupefaction or dulling of the senses or nervous system, intentionally smell or inhale the fumes from any glue or similar toxic vapor or consume or use any otherwise legal substance for a purpose not in accordance with its legitimate use or purpose as is generally known, used and advertised.
	2. Exceptions: Provided, that this section shall not apply to the following:
		1. Anesthesia For Medical Or Dental Purposes: The inhalation of anesthesia for medical or dental purposes when administered or directed by a licensed physician or dentist.
		2. Tobaccos: The use of tobaccos.
		3. Intoxicating Liquors: The drinking of intoxicating liquors or malt beverages by persons over twenty one (21) years of age.
2. Possess, Buy, Sell, Transfer Or Receive Possession Of Prohibited Substances: No person shall, for the purpose of violating or aiding another to violate any provisions of this section, intentionally possess, buy, sell, transfer possession or receive possession of any substances herein prohibited.

**4-1-14: MALICIOUS MISCHIEF:**

No person shall wantonly or mischievously break or destroy, or attempt to break or destroy in any manner, any property of another.

**4-1-15: MUNICIPAL EMPLOYEES, INTERFERING WITH:**

No person shall interfere in any way with any employee of the town in the performance of his work, nor displace any stakes or landmarks deposited or installed by any employee, nor in any way molest any tools, instruments or equipment of any employee, nor in any way molest any tools, instruments or equipment used by such employee in the duties assigned to him.

**4-1-16: NARCOTIC PARAPHERNALIA:**

No person shall possess any device, contrivance, instrument or paraphernalia designed or used for smoking a controlled substance or to possess any hypodermic needle or syringe or any other device, contrivance, instrument or paraphernalia designed or used for injecting a controlled substance; except for the following persons:

1. Licensed drug manufacturers, wholesale drug jobbers, pharmacists, physicians, dentists, podiatrists, veterinarians and nurses.
2. Hospital research, teaching and clinical laboratories personnel, funeral directors and embalmers.
3. Persons specifically authorized by a licensed physician, dentist or podiatrist to use a hypodermic needle or syringe for medical treatment purposes, while so using the needle or syringe.
4. Persons using a hypodermic needle or syringe for the treatment of livestock.

**4-1-17: NUDITY IN PUBLIC:**

1. Definition: For the purposes of this section the word “nudity” shall mean the showing of the human male or female genitals or pubic area or female breasts with less than a fully opaque covering.
2. Prohibited: No person shall appear in a state of nudity in any public place.

**4-1-18: PROPERTY; INJURING, DEFACING:**

No person, unless he shall have a permit therefor from the town, shall cut, break, or in any way injure or deface any tree, shrub, plant, flower or turf, or any building, fence, bridge or other structure, or any street, alley, curb, or gutter, water or sewer line or sewer intake, or any tools, equipment, or anything whatsoever, that has been planted, built, constructed, installed, or is maintained by, or is the property of the town.

**4-1-19: OBSCENITY:**

1. Definitions: For the purposes of section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

AVAILABLE TO THE PUBLIC: The matter or performance may be purchased or attended on a subscription bases, on a membership fee arrangement or for a separate fee for each item or performance.

DISSEMINATE: To transfer possession of, with or without consideration.

KNOWINGLY: Being aware of the character and the content of the material.

MATERIAL: Any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other article, equipment or machine.

NUDITY: The showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genital in a discernibly turgid state.

OBSCENE: To the average person applying contemporary community standards:

* 1. The predominant appeal of the matter taken as a whole, is to prurient interest; i.e., a shameful or morbid interest in sexual conduct, nudity, or excretion; and
	2. The matter depicts or describes in a patently offensive manner sexual conduct; and
	3. The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

PERFORMANCE: Any preview, play, show, skit, film, dance or other exhibition performed before an audience.

PROMOTE: To cause, permit, procure, counsel, or assist.

SERVICE TO PATRONS: The provision of services to paying guests in establishments providing food and beverages, including but not limited to hostessing, hatchecking, cooking, bartending, serving, table setting and cleaning, waiter and waitressing, and entertaining.

1. Prohibited Conduct: No person shall:
	1. Knowingly disseminate, distribute or make available to the public any obscene material; or
	2. Knowingly engage or participate in any obscene performance made available to the public; or
	3. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or excretion utilizing displays, circulars, advertisements and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or
	4. Provide service to patrons in such a manner as to expose to public view:
		1. His or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region;
		2. Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
		3. Any portion of the female breast at or below the areola thereof; or
	5. Knowingly promote the commission of any of the above listed unlawful acts.
2. Evidence; Defenses:
	1. Evidence: Expert affirmative evidence that the materials or activities are obscene is not required when the materials or activities themselves are presented as evidence.
	2. Defenses: It shall be affirmative defense in any prosecution under subsections A and B of this section that allegedly obscene material was disseminated, or presented for a bona fide scientific, medical, educational, governmental, or judicial purpose of a physician, psychologist, teacher, clergyman, prosecutor, or judge.

**4-1-20: OVERNIGHT CAMPING:**

Areas Restricted: No person shall remain overnight in any tent, sleeping bag, vehicle, camper or in any other manner whatsoever on any property belonging to the town.

**4-1-21: POLICE:**

1. Aiding: It shall be the duty of all persons in the town, when called upon by any police officer or other member of the police department, to promptly aid and assist him in the execution of his duties.
2. Interference With Or Resisting:
	1. Resist Or Interfere: No person shall resist any police officer or member of the police department in the discharge of any duty or shall in any way interfere with or hinder or prevent an officer from discharging the duties as such officer.
	2. Aid In Escape: No person shall in any manner assist any person in custody of any police officer to escape or attempt to escape from such custody or shall rescue or attempt to rescue any person so in custody.
3. False Report Of Crime: No person shall knowingly make or file any false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the town.

**4-1-22: PROSTITUTION:**

A person who knowingly or intentionally performs or permits, or offers or agrees to perform or permit an act of “sexual intrusion” as defined by Wyoming Statutes subsection 6-2-301(a)(vii), for money or other property commits prostitution which is a misdemeanor.

**4-1-23: PUBLIC DRUNKENNESS:**

No person shall be drunk or in a state of intoxication in any public place within the town.

**4-1-24: REFRIGERATORS, ICEBOXES; ABANDONMENT:**

Whoever abandons or stores any refrigerator unit or icebox in such a place as to be easily accessible to children without first having made adequate provision to prevent entry into such refrigeration unit or icebox or without having removed all latches, catches, locking devices or the door thereof, so that escape from the interior may be had, shall be deemed guilty of a misdemeanor; and, upon conviction thereof, shall be fined in a sum of not less than fifteen dollars ($15.00) nor more than one hundred dollars ($100.00), or be imprisoned for not more than ninety (90) days or both.

**4-1-25: SHOPLIFTING:**

1. Prohibited:
	1. Concealing Or Taking Possession Of Merchandise: A person who willfully conceals or takes possession of property offered for sale by a wholesale or retail store without the knowledge or consent of the owner and with intent to convert the property to his own use without paying the purchase price is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the value of the property is less than five hundred dollars ($500.00).
	2. Altering Or Removing Price Tag Or Marker: A person who alters, defaces, changes or removes a price tag or marker on or about property offered for sale by a wholesale or retail store with intent to obtain the property at less than the marked or listed price is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750.00), or both, if the difference between the marked or listed price and the amount actually paid is less than five hundred dollars ($500.00).
2. Power to Detain And Interrogate: Any police officer, merchant or merchant’s employee who has reasonable cause for believing that a person has committed the crime of “shoplifting”, as defined by subsection A of this section, may detain and interrogate such person in regard thereto in a reasonable manner and for a reasonable time.
3. Defense To Action: When a police officer, merchant or merchant’s employee, with reasonable cause for believing that a person has committed the crime of “shoplifting”, as defined by subsection A of this section, detains and interrogates such person in regard thereto, and such person thereafter brings against the police officer, merchant or merchant’s employee a civil or criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon the detention and interrogation, such reasonable cause shall be a defense to the action if the detention and interrogation was done in a reasonable manner and for a reasonable time.

**4-1-26: THEFT:**

A person who steals, takes and carries, leads or drives away property of another with intent to deprive the owner or lawful possessor and the value of the property is less than five hundred dollars ($500.00), that person is guilty of a misdemeanor.

**4-1-27: UNLAWFUL POSTING:**

No person shall paint, print, paste, stencil, or otherwise mark upon, or in any manner place upon or affix to any building, fence, wall or tree without the consent of the owner thereof, any word, letter, character, figure, sentence or device, or any handbill or notice.

**4-1-28: WINDOW PEEPING:**

Any person who looks, peers or peeps into any residential home window which is not his home is guilty of a misdemeanor.

**4-1-29: COLLECTION OF PET WASTE:**

1. Collection On Public Property: No person owning or in charge of any dog, cat or other animal shall cause or allow such dog, cat or other animal to soil, defile, defecate on, or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property, without the permission of the owner.
2. Collection On Private Property: Any person owning or in charge of any dog, cat or other animal, which soils, defiles, defecates on, or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without permission of the owner of the property, shall immediately remove all feces deposited by such dog, cat or other animal in a sanitary manner.
3. Disposal Of Pet Waste: The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of any dog, cat or other animal, in a sealed, nonabsorbent, leak-proof container.
4. Penalty: The violation of this section by any person is hereby declared to be a misdemeanor.

First conviction: Such person shall be fined any sum not to exceed twenty five dollars ($25.00), plus court costs.

Second conviction: Such person shall be fined any sum not less than twenty five dollars ($25.00) not to exceed fifty dollars ($50.00), plus court costs.

Third conviction: Such person shall be fined any sum not less than fifty dollars ($50.00) nor to exceed one hundred dollars ($100.00), plus court costs.

**4-1-30: CONTROLLED SUBSTANCES:**

The Town of Dixon adopts Title 35, Chapter 7, Article 10 – Controlled Substances of Wyoming State Statutes, for the enforcement of controlled substances, and each and all of the sections of said statute are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter.

**Chapter 2**

**ANIMAL CONTROL**

**4-2-1: DEFINITIONS:**

As used in this chapter, unless otherwise indicated, the following words and phrases shall have the following meanings:

ANIMAL CONTROL OFFICER: All police officers employed by the town and any other person designated by the town council to enforce this chapter.

AT LARGE: Off of the premises of the owner, and being at places not under the physical control of the owner.

DOG: Includes both male and female animals.

FEROCIOUS: Any exhibition or tendency to fierceness and unrestrained violence and brutality.

LIVESTOCK: Includes all cattle, horses, pigs, lambs, sheep, goats, buffalo, mules, emus, llamas, alpacas, and other animals.

NUISANCE DOG: Any dog causing undue annoyance or disturbance to any person or persons by frequent and/or habitual howling, yelping, barking or other noise.

OWNER: Any person or persons, firm, association or corporation owning, keeping or harboring a dog or other animal.

PHYSICAL CONTROL: On a leash or other restraint not exceeding eight feet (8’) in length with one end attached to the dog and other end in physical possession of the owner.

POUND: The place provided by the town for the impounding of dogs.

UNRULY: Not readily ruled, disciplined or manageable.

VACCINATE: The inoculation of a dog with a modified live virus antirabies vaccine which shall be administered under the direction of a licensed veterinarian, the cost of said vaccination to be borne by the owner of the dog.

VICIOUS: Shall mean dangerously aggressive, marked by violence and/or ferocity.

**4-2-2: LICENSING AND REGISTRATION:**

1. Required; Term: All dogs over four (4) months of age kept, harbored or maintained in the town shall be licensed and registered. Licenses shall be issued by the town clerk-treasurer or by an agent as may be designated by the clerk-treasurer. No license shall be issued unless the dog has a current rabies vaccination. All licenses shall expire on December 31 of the year in which the same are issued.
2. Fees:
	1. For each neutered male dog or spayed female dog, three dollars 9(3.00). No dog shall be licensed as spayed or neutered without a certificate from a certified veterinarian attesting to such fact.
	2. For each unneutered male dog or unspayed female dog, three dollars ($3.00).
3. Issuance And Wearing Of Tags: Upon payment of the license fee, the clerk-treasurer shall issue a license tag bearing the number under which the dog is registered. Such tag shall be secured to the neck of the registered animal and it shall be unlawful for any person to put any license upon a dog for which the same was not issued.
4. Unlicensed Dog Declared Nuisance; Impoundment: Any dog found within the town without a current license is hereby declared to be a public nuisance and it is hereby made the duty of the animal control officer to pick up and impound any such animal.

**4-2-3: RUNNING AT LARGE PROHIBITED:**

No person shall permit any animal or fowl to run at large nor shall any animal or fowl be permitted to run at large.

**4-2-4: IMPOUNDMENT:**

1. Duty To Impound: If any animal or fowl shall be found running at large it shall be the duty of the animal control officer to impound such animal in a secure pen, pound or other place provided for that purpose.
2. Payment Of Fees Prior to Release: No animal or fowl impounded shall be released until the owner shall pay the fees required by subsection E of this section.
3. Notification Of Owner: Every owner shall be immediately notified upon impounding of any animal and every animal impounded shall be held for a period of five days (5) after such notification.
4. Disposition Of Impounded Animal: If not claimed within five days by any person who pays the license and impounding fees, such animal may be disposed of. The poundmaster may, at his discretion, in preference to putting any animal to death, release the animal to some person who shall pay all costs incurred before release. If the owner is unknown, the poundmaster may dispose of any unclaimed animal five (5) days after impoundment.
5. Impound Fees: Upon payment of impound fees as established by the governing body, license fees and an animal control officer’s fee, an owner may secure the release of any impounded animal.

**4-2-5: VICIOUS ANIMAL:**

No person shall keep, feed, harbor or allow to stay about the premises occupied by such person any vicious, unruly or ferocious animal.

**4-2-6: CRUELTY TO ANIMALS:**

No person shall willfully or maliciously torture, torment, deprive of necessary sustenance, beat, mutilate, kill, mistreat or carry an animal in a vehicle in a cruel or inhumane manner, or cause or procure it be done; or having the charge and custody of any animal, unnecessarily fail to provide it with the proper food, drink or protection from the weather, or abandon it.

**4-2-7: RABIES, DETENTION AND OBSERVATION OF ANIMALS:**

Upon the written request of any person, any dog or other animal which has bitten someone, breaking the skin, shall be picked up and detained, in isolation, at the town animal shelter for ten (10) days for observation for symptoms of rabies. If the owner of such animal can furnish positive proof that the animal has a current vaccination for rabies, then such detention and observation shall not be required. Any police officer may seek the advice of a licensed veterinarian to determine whether the animal has a current vaccination. Any doubt as to whether the vaccination is current shall be resolved by presuming that the vaccination is not current.

**4-2-8: KEEPING OF LIVESTOCK WITHIN THE TOWN FORBIDDEN; PENALTY:**

1. It shall be unlawful for any person or persons, firm or corporation to keep within the Town of Dixon any swine, chickens, geese, or other poultry, or any cows, goats, sheep, horses, or livestock of any nature without first obtaining a permit to do so from the Town Clerk-Treasurer of the Town of Dixon.
2. A permit for the keeping of such livestock shall be issued subject to the following conditions:
	1. The person, firm, or corporation applying for permit must have a fenced enclosure of such quality as to adequately provide for the maintaining of said animals securely within its bounds.
	2. The enclosure must provide water and feed facilities for the proper care of said animals.
	3. The applicant must agree to keep enclosures clean and in a sanitary condition, cleaning said facilities on a regular basis.
	4. The facilities must conform to all state and city regulations, ordinances, and laws relating to sanitary conditions and livestock maintenance.
	5. Any person who shall desire to keep an animal of the following type; cattle, sheep, goats, horses, mules, donkeys, rabbits and fowl (including chickens, geese, ducks, turkeys, etc.), within the town boundaries of Dixon must obtain a permit. Applications for such purposes must be applied for and approved by the council before said livestock should enter the town. Application can be made at the office of the town clerk. Upon submittal of the application, the town clerk will publish a notice of application, giving ten days response time. The notice will be displayed in at least two places of business in the town. If during the notification period a complaint is submitted in writing to the town hall, it will be discussed and acted upon at the hearing for approval. The council shall have the conclusive right to determine the specifications concerning maintenance and the number of livestock for each application. Permits shall be valid for one year from the date issued. Commercial permits, which are any property owner whose property is not divided into lots, shall be valid for five years from the date issued. If during the course of the year there is a change in the type or amount of livestock on the application, the town council must be notified at least seven days before livestock enter the premises. Complaints against such permits may be filed at any time during the year at the town clerk’s office. The council will then review and investigate the complaint and the application. The council reserves the right to revoke any application at any time for violation of this chapter or if a menace to the public’s health and safety develops, or if the livestock is not properly confined to their location specified on the permit. The council shall have the power and authority to change or revise the provisions of this section. The permit as provided herein shall be for a period of twelve (12) months and must be applied for on an annual basis. Commercial permits shall be for a period of five (5) years and must be applied for every five (5) years.
3. Each day of continuous violation may be deemed a separate offense.

**4-2-9: BREAKING OPEN ENCLOSURE:**

No person shall, directly or indirectly, break open or assist in breaking open any pen or enclosure, with the intention of releasing any animal confined therein pursuant to the provision of this chapter.

**4-2-10: ANIMALS IN MUNICIPAL PARK:**

No person shall ride or permit any dogs, cats, horses, cattle, mules, donkeys, sheep, goats, swine, fowl, or rabbits to remain within the municipal park.

**4-2-11: NUISANCE DOGS:**

1. Prohibited: It shall be unlawful for an owner or keeper of a dog to allow or permit such dog to exhibit the behavior of a nuisance dog.
2. Penalty: The violation of this section by any person is hereby declared to be a misdemeanor.
	1. First Conviction: Such person shall be fined any sum not to exceed twenty five dollars ($25.00), plus court costs.
	2. Second Conviction: Such person shall be fined any sum not less than twenty five dollars ($25.00) nor to exceed fifty dollars ($50.00), plus court costs.
	3. Third Conviction: Such person shall be fined any sum not less than fifty dollars ($50.00) nor to exceed on hundred dollars ($100.00), plus court costs.
3. Impoundment:
	1. Duty To Impound: It shall be the duty of the animal control officer of the town to apprehend any dog found by them to be in violation of this section, if deemed necessary to enforce the provisions herein.
4. Hindering Enforcement Officers: Any person who shall hinder any animal control officer in the discharge of their duties as provided in this section shall be deemed guilty of a misdemeanor and shall be fined any sum not to exceed two hundred dollars ($200.00), plus court costs.

**4-2-12: PENALTY:**

Any person in possession of any animal not licensed or any person violating any provision of this chapter shall be guilty of a misdemeanor.

**Title 5**

**MOTOR VEHICLES AND TRAFFIC**

**Chapter 1**

**GENERAL PROVISIONS**

**5-1-1: TITLE:**

This title may be cited as the TRAFFIC CODE OF THE TOWN OF DIXON, WYOMING.

**5-1-2: ADOPTION OF UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS:**

The uniform act regulating traffic on highways in title 31, Wyoming Statutes, 1977, as amended, is hereby adopted in its entirety, as applicable, and:

|  |  |
| --- | --- |
| **Wyoming Statutes Section:** | **Topic:** |
| 6-3-107 | Throwing burning substance from vehicle; penalties |
| 6-3-204 | Littering |
| 24-1-110 | Exhibition of acceleration |
| 31-4-101 | Vehicle registration |
| 31-4-103 | Compulsory auto insurance |
| 31-7-110 | Instruction and temporary driver’s permit |
| 31-7-116 | Carrying and displaying |
| 31-7-117 | Restricted licenses |
| 31-7-133 | Unlawful use of license |
| 31-7-135 | Permitting unlicensed person to drive |

**5-1-3: APPLICABILITY:**

1. Vehicles Of State, Municipality:
	1. The provisions of this title applicable to the drivers of vehicles upon the streets shall apply to the drivers of all vehicles owned and operated by the United States, this state or any county, city, town or other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.
	2. Unless specifically made applicable, the provisions of this title shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon a street but shall apply to such persons and vehicles when traveling to or from such work.
2. Persons Riding Animals: Every person riding an animal or driving any animal drawn vehicle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions of this title which by their very nature can have no application.

**5-1-4: RIGHTS OF OWNERS OF REAL PROPERTY:**

Nothing in this title shall be construed to prevent the owner of real property, used by the public for purposes of vehicular travel by permission of the owner and not as matter of right, from prohibiting such use or from requiring other or different or additional conditions than those specified in this title or otherwise regulating such use as may seem best to such owner.

**5-1-5: OPERATION OF SNOWMOBILES:**

A snowmobile may be operated on streets within the town. No person shall operate any snowmobile at any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise.

**5-1-6: PENALTY:**

It shall be unlawful and, unless otherwise declared in this title with respect to particular offenses, it shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in this title.

**Chapter 2**

**OPERATION OF VEHICLES**

**5-2-1: APPLICABILITY:**

The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles anywhere within the corporate limits of the town except as otherwise specifically provided.

**5-2-2: AUTHORIZED EMERGENCY VEHCILES:**

1. When Privileges Allowed: The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
2. Privileges: The driver of an authorized emergency vehicle may:
	1. Park or stand, irrespective of the provisions of this chapter;
	2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
	3. Exceed the prima facie speed limits so long as he does not endanger life or property;
	4. Disregard regulations governing direction of movement or turning in specified directions.
3. Audible Signals; Flashing Red Light: The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonable necessary and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500’) to the front of such vehicle; except, that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
4. Due Regard For Safety; Consequences Of Reckless Disregard: The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

**5-2-3: DRIVING ON BICYCLE PATHS:**

No person shall drive, operate, park or place any vehicle on any area designated as a bicycle path.

**5-2-4: PARADES OR PROCESSIONS:**

1. Permit Required.
2. Driving Through Funerals Or Other Processions:
	1. Funeral Processions; Right Of Way: A funeral procession led by a funeral car or escorted by a police vehicle and displaying flashing lights authorized under Wyoming law has the right of way in the lane or portion of the roadway upon which it is traveling subject to the following:
		1. The driver of the lead vehicle of the procession shall comply with all traffic control devices except when otherwise directed by a law enforcement officer. Vehicles in the procession displaying headlamps may follow the lead vehicle without stopping at stop signs or traffic signals. Vehicles in the procession shall yield the right of way to authorized emergency vehicles;
		2. Vehicles in a funeral procession shall be driven on the right hand side of the roadway and, if a laned roadway, in the right hand lane nearest the right hand edge of the roadway.
	2. Oncoming Vehicles: Drivers of oncoming vehicles are required to yield the right of way to funeral processions.
	3. Driving Between Vehicles in Procession: No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously marked. This section shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

**5-2-5: SPEED LIMITS:**

1. Basic Rule: No person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.
2. Maximum Limits: Except when a special hazard exists that requires lower speed for compliance with subsection A of this section, the limits specified in this section shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in the excess of such maximum limits:
	1. Any Town Street: Twenty Five (25) miles per hour.
	2. Highway 70: Thirty (30) miles per hour on Highway 70.
3. Minimum Speeds:
	1. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
	2. Whenever local authorities have determined on the basis of an engineering and traffic investigation that slow speeds on any part of a street consistently impede the normal and reasonable movement of traffic and a minimum speed limit has been established and signs erected, no person shall drive a vehicle at a speed less than such minimum speed, except when necessary for safe operation or in compliance with law.
4. Motor Driven Cycles: No person shall operate any motor driven cycle at any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the streets are not clearly discernible at a distance of one thousand feet (1,000’) at a speed greater than thirty (30) miles per hour unless such motor driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet (300’) ahead.

**Chapter 3**

**TRAFFIC CONTROL DEVICES**

**5-3-1: OBEDIENCE:**

1. Required: The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.
2. Improperly Placed Or Illegible Signs: No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.
3. Devices Placed: Whenever official traffic control devices are placed or held in position approximately conforming to the requirements of this chapter, the devices are presumed to have been so placed or held by the official act or direction of lawful authority unless the contrary is established by competent evidence.
4. Compliance With This Chapter: Any official traffic control device placed or held pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to the devices is presumed to comply with the requirements of this chapter unless the contrary is established by competent evidence.

**5-3-2: AUTHORITY TO INSTALL:**

The town shall place and maintain such traffic control devices as it may deem necessary to indicate and to carry out the provisions of this chapter or other local traffic ordinances or to regulate, warn or guide traffic. All such traffic control devices hereafter erected shall conform to the state manual and specifications.

**5-3-3: DEFACING, DESTROYING DEVICES:**

No unauthorized person shall deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon or any part thereof.

**Chapter 4**

**STOPPING, STANDING AND PARKING**

**5-4-1: BUSINESSES PERMITTING VEHICLES TO PARK ON SIDEWALKS OR STREETS PROHIBITED:**

No person, whether owner or occupant of any garage, salesroom or other place of business, shall permit any motor vehicle whether the same is left for safekeeping, repair or storage, or whether same is stock in trade, to be or remain on any sidewalk, street or alley.

**5-4-2: PARKING ON PRIVATE PROPERTY:**

No person shall drive or park upon any private property, or on any property where driving and parking is prohibited by order of chief of police, unless such operator has permission of the owner. Cost of removal of such vehicle will be borne by such trespassing vehicle’s owner.

**5-4-3: DIAGONAL PARKING:**

All vehicles in the town when parked shall be placed off of the main travel way of the street.

**5-4-4: OBSTRUCTION OF TRAFFIC:**

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet (10’) of the width of the roadway for free movement of vehicular traffic.

**5-4-5: PARKING IN ALLEY:**

No person shall park a vehicle in an alley except while conducting business through any drive-up facility or loading or unloading freight and then not to exceed thirty (30) minutes.

**Chapter 5**

**EQUIPMENT**

**5-5-1: INSPECTION OF VEHICLE:**

No person driving a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by a police officer of the town.

**Chapter 6**

**CHILD SAFETY RESTRAINT**

**5-6-1: SHORT TITLE:**

This chapter is known and may be cited as the CHILD SAFETY RESTRAINT ACT.

**5-6-2: DEFINITIONS:**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

CHILD SAFETY RESTRAINT SYSTEM: Any device which is designed to protect, hold or restrain a child in a privately owned, leased or rented noncommercial passenger car in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident or sudden stop and which conforms to the standards prescribed by 49 CFR 571.213 or to applicable federal motor vehicle safety standards in effect at the time of manufacture.

COMMERCIAL VEHICLE: Any vehicle or vehicle combination used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property for gain or profit.

EMERGENCY VEHICLE: Any fire department vehicle, police, sheriff’s department or highway patrol vehicle, civil defense vehicle, ambulance, hearse or other vehicle used primarily for emergency purposes.

MOTOR VEHICLE: Every vehicle which is self-propelled.

PASSENGER VEHCILE: A motor vehicle, excluding emergency and law enforcement vehicles, designed to carry people and that was equipped with safety belts at the time of manufacture.

SCHOOL BUS: A motor vehicle that is owned by or leased to or registered to a public school district or private school or church and is used to transport children to or from school or church or in connection with school or church activities and is designed for and capable of carrying twelve (12) or more passengers.

SEATING POSITION: Any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

**5-6-3: PENALTY:**

Any person who violates this chapter shall be issued a citation and fined not more than fifty dollars ($50.00) for the first offense; provided, that the fine shall be waived by the court upon receipt of proof by the court that the offender, after the offense occurred, has purchased, leased or otherwise acquired a child safety restraint system which meets the requirements of this chapter. For a second or subsequent violation of this chapter, the offender shall be fined not more than one hundred dollars ($100.00).

**5-6-4: LIMITED APPLICATION:**

Violation of this chapter does not constitute evidence of negligence or recklessness and does not constitute a basis for criminal prosecution except as set forth in this chapter.

**Chapter 7**

**ACCIDENTS**

**5-7-1: INVESTIGATION OF ACCIDENTS:**

It shall be the duty of the police officers of the town to investigate traffic accidents, to arrest and to assist in the prosecution of persons charged with violation of law(s) causing or contributing to such accidents.

**Chapter 8**

**PEDESTRIANS**

**5-8-1: ROLLER SKATES AND COASTERS:**

No person upon roller skates, or riding in or by means of any coaster toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians.

**Chapter 9**

**BICYCLES**

**5-9-1: WHEN PROVISIONS EFFECTIVE:**

The provisions of this chapter and any traffic regulations applicable to bicyclists shall apply whenever a bicycle is operated upon any highway, any sidewalk or any path set aside for the use of bicyclists.

**Chapter 10**

**ADMINISTRATION**

**5-10-1: AUTHORITY OF POLICE TO ENFORCE AND DIRECT TRAFFIC:**

1. Enforcement Of Traffic Laws: It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the town and all of the state vehicle laws applicable to street traffic in the town.
2. Direct Traffic: Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with the traffic laws; provided, that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

**5-10-2: TEMPORARY ROADBLOCKS:**

1. Definition: For the purpose of this section, a “temporary roadblock” means any device or means used by duly authorized law enforcement officers of the police department for the purpose of controlling all traffic through a point on any street, thoroughfare, roadway or highway within the town whereby all vehicles may be slowed or stopped for the purposes enumerated in subsection C of this section.
2. Authority To Establish: The members of the police department are hereby authorized to establish temporary roadblocks upon the streets and highways of the town for the purpose of apprehending persons reasonably believed by the officers to be wanted for violation of this code, the laws of this state, any other state or the United States and using any such street or highway.
3. Minimum Requirements: For the purpose of warning and protecting the traveling public, the minimum requirements to be met by police officers establishing temporary roadblocks, if time and circumstances allow, shall be as follows:
	1. The temporary roadblocks must be established at a point on the highway or street clearly visible at a distance of not less than two hundred (200) yards in either direction;
	2. At the point of the temporary roadblock flashing warning lights shall be visible to oncoming traffic for a distance of not less than two hundred (200) yards. The display of flashing emergency warning lights on a marked law enforcement vehicle shall be sufficient under this subsection; and
	3. At least one person working a law enforcement roadblock shall be in uniform and visible, and at least one vehicle used in a law enforcement roadblock shall be clearly marked as a law enforcement vehicle.
4. Failure To Stop: It shall be unlawful for any person to proceed or travel through a temporary roadblock without subjecting himself to the traffic control so established.

**5-10-3: DIRECTING TRAFFIC AT SCENE OF FIRE:**

Officers of the fire department, when at the scene of a fire, shall direct or assist the police officers in directing traffic in the immediate vicinity of such fire.

**5-10-4: OBEDIENCE TO POLICE OFFICERS:**

No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer vested by law with authority to direct, control or regulate traffic, while such officer is directing, controlling or regulating traffic by voice, hand of signal.

**5-10-5: FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICERS:**

Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle.

**5-10-6: PARTIES TO CRIME:**

Every person who commits, attempts to commit, conspires to commit, or aid or abets in the commission of, any act declared herein to be a crime, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this chapter is likewise guilty of such offense.

**5-10-7: TRAFFIC CITATIONS:**

1. When Required; Contents; When Permissible:
	1. Issuance By Police Officer: Whenever a person is halted by a police officer for any violation of this chapter the officer shall prepare a written traffic citation containing a notice to appear in court.
	2. Time Specified To Appear: The time specified in the notice to appear must be at least five (5) days after the alleged violation unless the person charged with the violation shall demand an earlier hearing.
	3. Place Of Appearance: The place specified in the notice to appear must be before the municipal judge of the town.
	4. Written Promise To Appear: The person charged with the violation may give his written promise to appear in court by signing at least one copy of the written traffic citation prepared by the officer, in which event the officer shall deliver a copy of the citation to the person, and thereupon, the officer shall not take the person into physical custody for the violation.
	5. Unavailability Of Judge: Whenever a person is taken into custody by an officer for the purpose of taking him before a judge and no judge is available at the time of arrest, and there is no bail schedule established by the judge and no other lawful person is available and authorized to accept bail upon behalf of the judge, the person shall be released from custody upon the issuance to him of a written traffic citation and his signing a promise to appear as provided herein.
2. Appearance:
	1. Violation Of Written Promise: It shall be unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.
	2. Appearance By Counsel: A written promise to appear in court may be complied with by an appearance by counsel.
3. Fine Schedule: The municipal judge shall designate the specified offenses under this title and other traffic ordinances of the town, and shall specify, by suitable schedules, the amount of such fines for first, second, and subsequent offenses, provided such fines are within the limits declared by state law or this code or other ordinances of the own, and shall further specify what offenses shall require appearance before the municipal judge.
4. Failure To Comply: In the event any person fails to comply with a notice given to such person or attached to a vehicle or fails to make appearance in the traffic court, or if any person fails or refuses to deposit bail as required and within the time permitted by the provisions of this code or other town ordinance, the municipal judge shall forthwith issue a bench warrant for his arrest.
5. Disposition: All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this title shall be paid to the town clerk-treasurer and deposited in the general fund of the town.

**Title 6**

**PUBLIC WAYS AND PROPERTY**

**Chapter 1**

**STREETS AND SIDEWALKS**

**6-1-1: OVERHANGING MAILBOXES:**

No mailbox shall be placed in such a position so that the box encroaches upon or overhangs any sidewalk or the improved or travelled portion of any street of the town.

**6-1-2: SIDEWALKS AND CURBS, CONSTRUCTION AND REPAIR:**

All sidewalks, curbs or gutters hereafter constructed or repaired within the town shall be constructed or repaired by the owners of the property abutting on such sidewalks, curbs or gutters or at the expense of such owners.

**6-1-3: NUMBERING OF BUILDINGS:**

1. Responsibility To Erect, Maintain and Display: Every person who shall own or control a dwelling house or other building within the town fronting on a street and avenue shall erect, maintain and display in a conspicuous place on such building the proper numbers.
2. Mobile Homes:
	1. Located Outside Mobile Home Park: Every mobile home not in a mobile home park shall be numbered as required by subsection A of this section.
	2. Located Within Mobile Home Park: Every lot space within a mobile home park shall be numbered in consecutive numerical order beginning with the number one. The owner of every mobile home park shall place numbers on each mobile home within the park in numerals at least four inches (4”) in height and at least seven feet (7’) above ground level, the same to be placed on either corner of the mobile home on the approach side as determined by the Baggs fire department. Every mobile home within a mobile home park shall be numbered to correspond to the lot space.

**Chapter 2**

**TOWN BUILDINGS**

**6-2-1: USE OF TOBACCO:**

1. Definition: “Tobacco products” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
2. Prohibited: The use of any tobacco product within the buildings owned by the town of Dixon is hereby prohibited.

**6-2-2: OPERATION OF MOTOR VEHICLE WITHIN CONFINES:**

The operation of a motor vehicle within the confines of buildings owned by the town of Dixon is hereby prohibited, unless proper ventilation for the exhaust fumes is provided.

**6-2-3: PENALTY:**

In the event either of the above sections is violated, said violation is a misdemeanor and punishable by the general penalty provisions set forth in section 1-4-2 of this code.

**Title 7**

**BUILDING REGULATIONS**

**Chapter 1**

**UNIFORM CODE FOR ABATEMENT OF DANGEROUS BUILDINGS**

**7-1-1: ADOPTION:**

The uniform code for the abatement of dangerous buildings, 1997 edition, as adopted by the International Conference of Building Officials, Whittier, California, is hereby adopted by reference as provided by Wyoming Statutes section 15-1-119, as amended, as if it were fully set forth herein.

**7-1-2: COPY ON FILE:**

At least one copy of the 1997 edition of the uniform code for abatement of dangerous buildings shall be maintained on file in the office of the town clerk-treasurer where it shall be available for public inspection during the normal office hours of the town clerk.

**7-1-3: PENALTY:**

In addition to any civil remedies and penalties set forth in the uniform code for the abatement of dangerous buildings, 1997 edition, any person or entity found guilty of violating this chapter is subject to penalty as provided in section 1-4-2 of this code.

**Chapter 2**

**RESIDENTIAL CODE**

**7-2-1: ADOPTED:**

A certain document, one copy of which is on file in the office of the clerk-treasurer of the town of Dixon, Wyoming, being marked and designated as the international residential code, 2009 edition, including appendix chapters G, H, J, K and L, as published by the International Code Council, be and is hereby adopted as the residential code of the town of Dixon, in the state of Wyoming for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than two (2) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provision, penalties, conditions and terms of said residential code on file in the office of the town of Dixon are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter with the additions, insertions, deletions and changes, if any.

**7-2-2: AMENDMENTS:**

The following sections are hereby revised:

Section R101.1 This ordinance shall be known as the residential code for one- and two-family dwellings of Dixon, Wyoming and shall be cited as such and will be referred to as “this code.”

**Chapter 3**

**PLUMBING CODE**

**7-3-1: ADOPTED:**

A certain document, one copy of which is on file in the office of the clerk of the town of Dixon, being marked and designated as the 2009 edition of the international plumbing code, including appendix E and F as published by the International Code Council, be and is hereby adopted as the plumbing code for the town of Dixon in the state of Wyoming; for the control of new buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 7-3-2 of this chapter.

**7-3-2: AMENDMENTS:**

The following sections are hereby revised:

Section 101.1 Insert:

 Town of Dixon, Wyoming.

Section 106.6.2 Insert:

 Fee schedule available at the Dixon town hall.

Section 106.6.3 Insert:

 Fees refundable on a case-by-case basis only.

**Chapter 4**

**MECHANICAL CODE**

**7-4-1: ADOPTED:**

A certain document, one copy of which is on file in the office of the clerk of the town of Dixon, being marked and designated as the 2009 edition of the international mechanical code, including appendix A as published by the International Code Council, be and is hereby adopted as the mechanical code for the town of Dixon in the state of Wyoming; for the control of new buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said mechanical code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in section 7-4-2 of this chapter.

**7-4-2: AMENDMENTS:**

The following sections are hereby revised:

Section 101.1 Insert:

 Town of Dixon, Wyoming.

Section 106.5.2 Insert:

 Fee schedule available at the Dixon town hall.

Section 106.5.3 Insert:

 Fees refundable on a case-by-case basis only.

**Chapter 5**

**ELECTRICAL CODE**

**7-5-1: ADOPTED:**

A certain document, one copy of which is on file in the office of the clerk of the town of Dixon, being marked and designated as the 2009 edition of the national electrical code, be and is hereby adopted as the electrical code for the town of Dixon in the state of Wyoming; for the control of new electrical installation in buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said electrical code are hereby referred to, adopted and made a pert hereof, as if fully set out in this chapter.

**Chapter 6**

**BUILDING CODE**

**7-6-1: ADOPTED:**

A certain document, one copy of which is on file in the office of the clerk of the town of Dixon, being marked and designated as the 2009 edition of the international building code, including appendix: (B) board of appeals, (E) supplementary accessibility requirements, (H) signs, (I) patio covers, and (J) grading, as published by the International Code Council, Inc., be and is hereby adopted as the building code for the town of Dixon in the state of Wyoming; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said building code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in sections 7-6-2 of this chapter.

**7-6-2: AMENDMENTS:**

The following sections are hereby revised:

Section 101.1 Insert:

 Town of Dixon, Wyoming

Section 3409.2 Insert:

 Sixty (60) days after the approval and publishing of this ordinance.

**Title 8**

**PUBLIC SERVICES**

**Chapter 1**

**WATER**

**8-1-1: OWNERSHIP AND CONTROL:**

The system of water of the Town of Dixon shall be owned, maintained, controlled and managed exclusively by the Town Council and Mayor of this Town.

**8-1-2: PURPOSE FOR SYSTEM:**

The objective and purpose of the water system shall be to supply the Town with water for the extinguishing of fires and for the supplying of the inhabitants thereof with suitable water for domestic manufacturing, irrigation and other purposes.

**8-1-3: COMMISSIONER:**

Whenever the “Commissioner” is used in this Chapter, it shall mean the Sewer-Water Commissioner whose manner of appointment, powers and duties are prescribed in Chapter 3 of this Title.

**8-1-4: CONSUMER RATES:**

1. The following minimum charges for providing water services shall be assessed monthly:
	1. Each IN-TOWN, individually metered single family residence, mobile home, living unit, apartment, condominium, townhouse, or other similar type unit and any master metered facilities, including but not limited to, mobile home courts, or multi-family residential units shall pay $65.00 (sixty-five dollars and zero cents) for the first 30,000 gallons used, and $2.50 (two dollars and fifty cents) per 1,000 gallons over 30,000 gallons used per meter per month.
	2. Each IN-TOWN, commercial and industrial facilities shall pay $77.00 (seventy-seven dollars and zero cents) for the first 30,000 gallons used, and $2.50 (two dollars and fifty cents) per 1,000 gallons over 30,000 gallons used per meter per month.
	3. Each OUT-OF-TOWN, individually metered single family residence, mobile home, living unit, apartment, condominium, or other similar type unit and any master metered facilities, including but not limited to, mobile home courts, or multi-family residential units shall pay $77.00 (seventy-seven dollars and zero cents) for the first 30,000 gallons used, and $2.50 (two dollars and fifty cents) per 1,000 gallons over 30,000 gallons used per meter per month.
	4. Each IN-TOWN-USER and each OUT-OF-TOWN-USER, shall pay an “off” fee (regardless of whether water is currently in use) of $30.00 (thirty dollars and zero cents), for individually metered single family residence, mobile home, living unit, apartment, condominium, townhouse, or other similar type unit, and any master metered facilities, including but not limited to, mobile home courts, or multi-family residential units or commercial and industrial facilities.
	5. Each IN-TOWN-USER and each OUT-OF-TOWN-USER, shall pay a turn on/turn off fee of $25.00 (twenty-five dollars and zero cents).
	6. A new water user, upon request for water service, shall pay to the town clerk a deposit fee of $100.00 (one hundred dollars) before any water tap shall be turned on to provide service. The deposit fee shall be paid to assure payment of the water user’s water bill. Upon full payment of the final billing for water service and disconnection of such service, the deposit shall be refunded. In the event a water user shall keep his or her monthly water bill current, so as to evidence a good payment record for a period of one year, then the water user will be refunded his/her deposit fee. The town clerk may refund the sum if, in the clerk’s opinion, a good payment record has been established.
	7. The rates described in subsections (1), (2), (3), (4), (5) and (6) shall become effective on the July 15, 2016 billing.

**8-1-5: BILLING PROCEDURE:**

1. Every person (consumer) who receives, or has the ability to receive, either water and/or sewer service from the Town shall be charged a monthly fee, which shall include a minimum monthly fee for the availability of said services. Said fee shall be set from time to time by ordinance or resolution of the governing body of the Town.
2. The Town Clerk shall bill the real property owner of the premises for which the services are provided on 16th day of the month immediately following the month for which services are rendered. If the 16th falls on a Town holiday, weekend or a day that the Town Hall is closed, bills shall be done as close to the 16th as possible.
3. Accounts shall not be prorated and real property benefiting from services for a portion of a month shall pay the entire month’s fee. Charges for services are due by the 15th day of the month after the bill is received. A penalty fee of $3.00 will be charged per service on the 15th day of each month that the bill remains delinquent. Interest of ten percent (10%) shall be assessed to each unpaid balance.
4. In the event that a consumer tenders a check to the Town, which is then returned to the Town as a result of insufficient funds in the customer's checking account, as defined in §6-3-701(a) (v) W. S., the consumer will be sent a certified letter stating the account needs to be paid in cash or by money order within fifteen days of the notice. The consumer shall also be charged a fee equal to the fee charged to the Town by financial institutions for the returned check.

**8-1-6: DELINQUENT ACCOUNTS:**

Water and sewer services may be discontinued to the real property on or after the fifteenth day of the second month immediately following the month in which services are provided after the following requirements have been fulfilled:

1. The Town shall first furnish written notice to the real property owner and occupant setting forth the fact that a delinquent balance exists, the name of the Town Clerk or such other individual as the Town Clerk may designate empowered to resolve the delinquency (if such delinquency is disputed) and that upon failure of the consumer to contact the Town Clerk on or before a date at least ten (10) days subsequent to the date of the notice, that services to the real property shall be discontinued. The giving of notice required in this section shall be complete upon deposit of such notice in the United States mail, postage prepaid, addressed as required in this section.
2. If the Town Clerk is contacted by the real property owner, in accordance with the provisions of the notice, the Town Clerk or some other individual designated by the Town Clerk as a responsible employee empowered to resolve the dispute, shall meet with the real property owner to ascertain why the bill has not been paid and whether the billing for services is correct.
3. The Town Clerk or the responsible employee designated by the Town Clerk shall place a written memorandum in the file to become a permanent part of the Town’s records concerning his or her findings.
4. If it is determined by the Town Clerk or the responsible employee designated by the Town Clerk that, in fact, the billing for services is correct, the Town shall give notice of such finding to the real property owner and the occupant together with notification that unless the billing is paid on or before five (5) days subsequent to the notice, that services will be terminated to the real property.
5. If the service has been discontinued it may be reinstated once all obligations are paid in full and a fee equal to two (2) months water/sewer service security deposit is paid to the Town. If a water meter is removed or locked from a property for nonpayment of the monthly fee, the total balance due on the account, and a One Thousand Dollar ($1,000.00) reinstatement fee, shall be paid to the Town, prior to the meter being reinstalled on the real property.

**8-1-7: LIEN AGAINST PROPERTY:**

Any bill for water and/or sewer service remaining delinquent for sixty (60) days shall become a lien upon the real property benefitted by the services, after the following steps have been taken:

1. The Town shall first give ten (10) days’ notice, in writing, to the real property owner at his address for utility billing purposes of its intent to file a lien against the real property, such notice shall describe the real property and set forth the amount claimed due and owing by the Town. The street address shall be deemed sufficient for purposes of describing the property in the notice. If the real property owner does not have a utility billing address on file with the Town, the notice shall be mailed to that address on file with the Carbon County Clerk’s Office for tax assessment on the real property. The giving of notice required in this section shall be complete upon deposit of such notice in the United States mail, postage prepaid, addressed as required in this section.
2. After the passage of ten (10) days from the deposit of notice in the United States mail as required in this section, the Town shall file a lien statement, properly acknowledged and containing a true legal description of the real property and the amount due and owing, in the Office of the Carbon County Clerk and Ex Officio Registrar of Deeds. All delinquent amounts shall accrue interest of ten percent (10%) per annum.
3. Upon the proper filing of said lien statement, the lien shall be considered a lien on the property for all purposes. Nothing contained herein shall prohibit the Town from pursuing a civil judgment against the real property owner for any amounts due and owing.
4. All costs of collection incurred by the Town, including but not limited to reasonable attorney fees, in the enforcement, collection, prosecution of, or foreclosure of a delinquent bill under this ordinance shall be the responsibility of the real property owner, whether or not a lawsuit is instituted.

**8-1-8: TURNING WATER BACK ON:**

After water has been turned off for a violation of this Chapter, no person shall turn the water back on without the written consent of the Commissioner.

**8-1-9: WATER SERVICE DISCONNECTION**

When a water user desires to disconnect or abandon his premises from the water utility, he shall not be permitted to take up that portion of the service line between the main or meter vault, nor shall he be permitted to take up the meter vault, but, at his expense, the water meter will be removed from the pit and all appliances from the water main to and including the meter vault shall remain in the ground and become the property of the town. All disconnections shall be completed by Dixon employees.

When a property owner that has disconnected or abandoned his premises from the water utility for 6 months or less would like to have services reinstated, there will be a charge of one thousand dollars ($1,000.00). When a property owner that has disconnected or abandoned his premises from the water utility for 6 months or more would like to have services reinstated, there will be a charge of four thousand dollars ($4,000.00). Once the fee has been paid to the Clerk-Treasurer, services will be reinstated within ten (10) business days.

**8-1-10: TOWN MAY SHUT OFF WATER:**

The Town of Dixon reserves the right to shut off the water from its main for the purpose of making repairs or extensions, or for any other purpose without incurring liability for any damage that may result therefrom.

The Town of Dixon also reserves the right to restrict water usage during times of drought, fire or other emergency as deemed necessary by the Commissioner or Town Council.

**8-1-11: PERMIT TO ALTER SYSTEM:**

No person shall make any connections to, or in any manner perform any work upon, any of the mains, connections or appliance pertaining to the waterworks of the Town of Dixon, without a written permit from the Commissioner.

**8-1-12: EXTENSION TO MORE THAN ONE PROPERTY:**

Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one property to another property. In cases where service lines were extended from one property to different property prior to adoption of this section, the continued use of such extension shall be permitted until replacement is necessary, at which time separate connection shall be made to the water main at the expense of the owner of the property served by such extension and the extended service line shall be discontinued; provided, that this section shall not be construed as prohibiting a single service line to serve a single structure under one roof occupying more than one property.

**8-1-13: REPORT OF PERMITTEE:**

Every plumber, consumer or person who, after obtaining a permit from the Water Commissioner, shall install any pipes, fixtures or appliances for persons desiring water use, or who shall make repairs upon, additions or extensions to, pipes or fixtures already installed, shall, within 24 hours after the same shall be completed, make a full report thereof to the Commissioner.

**8-1-14: COMMISSIONER TO HAVE FREE ACCESS:**

Free access shall, at all ordinary hours, be allowed to the Commissioner or other authorized persons to all places supplied with water from the waterworks system, to examine the apparatus, the amount of water used, the manner of its use, and to make all necessary shutoffs for vacancy, delinquency or violation of this chapter.

**8-1-15: TAPPING APPLICATION AND FEE:**

1. The Commissioner, upon application and the payment of a tapping fee, shall issue and order to tap the water main and conduct the water in appropriate sized copper or approved poly pipe to the applicant’s property line. The tapping fee shall include the applicant’s share of the costs of a meter which shall be furnished by the Town of Dixon, and shall remain the property of the Town after installation. Whenever the applicant demands a double main tapping or service line of more than 50 feet, the Commissioner shall increase the tapping fee to such amount as is required to defray the actual cost of materials and installation. Nothing in this section shall be construed so as to preclude the Town of Dixon from increasing or decreasing the tapping fee as costs of materials and labor fluctuate. The tapping fee shall be as set forth below.
2. A tap charge of $4,000.00 (four thousand dollars) will be assessed and collected on each and every three quarter inch connection, prior to installation on the water main of the Town of Dixon, Wyoming. A tap charge of $4,500.00 (four thousand five hundred dollars) will be assessed and collected on each and every one inch connection, prior to installation on the water main of the Town of Dixon, Wyoming. A tap charge of $7,500.00 (seven thousand five hundred dollars) will be assessed and collected on each and every two inch connection, prior to installation on the water main of the Town of Dixon, Wyoming. A tap charge of $17,000.00 (seventeen thousand dollars and zero cents) will be assessed and collected on each and every four inch connection, prior to installation on the water main of the Town of Dixon, Wyoming. A tap charge of $32,000.00 (thirty two thousand dollars and zero cents) will be assessed and collected on each and every 6 inch connection, prior to installation on the water main of the Town of Dixon, Wyoming.

**8-1-16: METER AND SERVICE PIPE MAINTENANCE:**

All consumers shall keep their service pipes, connections, and other apparatus in good repair and protected from frost at their own expense.

**8-1-17: SANITARY REGULATIONS:**

It shall be unlawful for any person to pollute or befoul the waterworks system. Cross connections with private water supplies are expressly prohibited. Upon discovery of any condition or practice which causes contamination of the system in any degree, the Water Commissioner shall shut off the particular connection until the practice or condition is corrected.

**8-1-18: PLUMBING:**

All plumbing through which flows water supplied by the Town of Dixon shall comply with the plumbing code of this town.

**8-1-19: PENALTIES:**

Any person violating any of the provisions of the Chapter shall be guilty of a misdemeanor, and upon conviction be fined not more than $200.00 or imprisoned in the Carbon County Jail for a term not to exceed three (3) months in the discretions of the Court.

**Chapter 2**

**SEWER**

**8-2-1: DEFINITIONS:**

1. “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter.
2. “Building Drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.
3. “Building Sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.
4. “Combined Sewer” shall mean a sewer receiving both surface runoff and sewage.
5. “Garbage” shall mean solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from sanitary sewage.
6. “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
7. “Natural Outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
8. “Person” shall mean any individual, firm, company, association, society, corporation, or group.
9. “ph” shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
10. “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
11. “Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
12. “Sanitary Sewer” shall mean a sewer which carried sewage and to which storm, surface, and groundwater are not intentionally admitted.
13. “Sewage” shall mean a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
14. “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.
15. “Sewage Works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
16. “Sewer” shall mean pipe or conduit for carrying sewage.
17. “Shall” is a mandatory; “May” is permissive.
18. “Slug” shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration of flows during normal operation.
19. “Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
20. “Sewer-Water Commissioner” shall mean the designated Sewer-Water Commissioner of the Town, or his authorized deputy, agent, or representative.
21. “Total Suspended Solids” (TSS) shall mean the solids that either float on the surface or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
22. “Town” shall mean the Town of Dixon.
23. “Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

**8-2-2: USER CHARGES:**

Each user connected to the Town of Dixon’s wastewater system shall be charged as follows:

Residential $35.00

 Commercial $77.00

 Minimum Fee

 (regardless of whether sewer is currently in use) $25.00

**8-2-3: LIEN AGAINST PROPERTY:**

Delinquent sewer charges shall constitute a lien against the property serviced by the system. The Town is empowered to use any legal means necessary to foreclose one said lien or otherwise collect the delinquent amount. Additional expenses, including attorney’s fees incurred by reason of such action, shall be added to the amount due by the user.

**8-2-4: USE OF PUBLIC SEWERS REQUIRED:**

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any areas under the jurisdiction of said Town, any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

**8-2-5: CONNECTION TO SEWER SYSTEM:**

It shall be unlawful for any person to maintain a domicile, building or other property used for human occupancy, employment, recreation or other purpose within the corporate limits of the Town unless said structure is connected with the Town sewer system in accordance with the provisions of this Chapter.

**8-2-6: BUILDING SEWER AND CONNECTIONS:**

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.
2. The owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town.

**8-2-7: CONNECTION FEE:**

1. A connection fee shall be paid by a prospectus user before the Commissioner shall issue an Order to connect such a user onto the sewer works system. The applicant’s fee shall include the costs of a Y or saddle at the point of connection on the main in addition to the fee set forth below. The connection fee shall be as set forth herein.
2. Any person who wishes to tap a sewer main must pay a tap fee of $2,700.00 (two thousand seven hundred dollars and zero cents) per four inch tap, submitted with a letter designating the property, location and connection. The property owner is responsible for installing the sewer line to their property line. The Town of Dixon will complete the tap at the sewer main. The Commissioner and Town Council will negotiate the appropriate fees for any tap that is larger than a four inch.
3. When a sewer user desires to disconnect or abandon his premises from the sewer utility, he shall not be permitted to take up that portion of the service line between the main. All disconnections shall be completed by Dixon employees. When a property owner that has disconnected or abandoned his premises from the sewer utility for 6 months or less would like to have services reinstated, there will be a charge of one thousand dollars ($1,000.00). When a property owner that has disconnected or abandoned his premises from the sewer utility for 6 months or more would like to have services reinstated, there will be a charge of two thousand seven hundred dollars ($2,700.00). Once the fee has been paid to the Clerk-Treasurer, services will be reinstated within ten (10) business days.

**8-2-8: INSTALLATION & REPAIR COSTS:**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly by occasioned by the installation of the building sewer. The owners of the property served by a sewer service line shall be responsible for repairing or replacing such sewer service line when, in the opinion of the Commissioner, such line has become inoperative due to stoppages, crushing, settlement or other defect.

**8-2-9: SEPARATE CONNECTIONS:**

One sewer tap is required per domicile.

**8-2-10: OLD CONNECTIONS:**

Old building sewers may be used in connection with new building only when they are found, on examination and test by the Town, to meet all requirements of this Chapter.

**8-2-11: CONNECTION STANDARDS:**

1. The size, slope, alignment, material of construction of all sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town and the State of Wyoming.
2. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
3. No person shall make connections of roof down-spouts, exterior foundation drains, area way drains, or other sources of surface run off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
4. The connection of the building sewer into the public sewer shall conform to the requirements of the buildings and plumbing code or other applicable rules and regulations of the A.S.T.M. and the W.P.C.E. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.

**8-3-12: INSPECTION:**

The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Town.

**8-3-13: EXCAVATION:**

All excavations for the building sewer permit shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

**8-3-14: USE OF PUBLIC SEWERS:**

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run off, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town to a storm sewer, combined sewer, or natural outlet.

**8-3-15: PROHIBITED DISCHARGES:**

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gasses in sufficient quantity, either singly or by interaction with other wastes, to contaminant the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanide in excess of 2 mg/1 as CN in the wastes as discharged to the public sewer.
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Sewer-Water Commissioner.
4. Any waters or wastes containing strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Sewer-Water Commissioner for such materials.
6. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Sewer-Water Commissioner as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving water.
7. Any waters or wastes having a pH in excess of 9.5.
8. Materials which exert or cause:
	1. Unusual concentrations of inert suspended solids (such as, but not limited to), Fullers earth, lime residues or of dissolved solids (such as, but not limited to), sodium chloride and sodium sulfate).
	2. Excessive discoloration (such as, but not limited to), dye wastes and vegetable tanning solutions.
	3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant land on the sewage treatment works.
	4. Unusual volume of flow or concentrations of wastes constituting “slugs” as defined herein.
9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**8-3-16: REJECTION OF WASTES:**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers which contain the substances or possess the characteristics enumerated in this Chapter and which in the judgment of the Sewer-Water Commissioner may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Sewer-Water Commissioner may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of Section 8-2-7 of this Chapter. If the Sewer-Water Commissioner permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the requirements of all applicable codes, ordinances, and laws.

**8-3-17: INTERCEPTORS:**

Grease, oil and sand interceptors must be provided when, in the opinion of the Dixon Town Council, they are necessary for the proper handling of liquid wastes containing grease in excess amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors must not be required for private living quarters or dwelling units. Interceptors are required for any restaurant, bar/grill, and similar places where food is prepared, filling station, garages, and similar places having wash or grease racks connected with the sewer utility. All interceptors must be of a type and capacity approved by the Dixon Town Council, and must be located as to be readily and easily accessible for cleaning and inspection. All interceptors must be cleaned at no more than six (6) month intervals, unless the Dixon Town Council deems it necessary to clean the inceptor more often. All owners of such interceptors must keep records of material removed from the interceptors. All owners of such interceptors must make available for inspection copies of such records. All owners of such interceptors must provide to the office of the Town Clerk the above records within two business days of cleaning such interceptor. Owners of interceptors must keep such records on file for not less than three (3) years. In cases that interceptors are required but not installed, the town may charge additional fees to the commercial business for any increased maintenance of the sewer collection system by the town.

**8-3-18: PRELIMINARY TREATMENT FACILITIES:**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

**8-3-19: MANHOLES REQUIRED:**

When required by the Sewer-Water Commissioner, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Sewer-Water Commissioner. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

**8-3-20: SAMPLING AND ANALYSIS:**

All measurements, tests, and analyses of the characteristics of waters and waste to which reference is made in this Chapter shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the sample shall be taken at the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all out-falls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all out-falls whereas pH’s are determined from periodic grab samples.)

**8-3-21: SPECIAL AGREEMENTS:**

No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby and industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor by the industrial concern.

**8-3-22: PROTECTION FROM DAMAGE:**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be guilty of a misdemeanor.

**8-3-23: POWERS AND AUTHORITY:**

1. The Sewer-Water Commissioner and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Chapter. The Town or its representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewer or waterways of facilities for waste treatment.
2. While performing the necessary work on private properties referred to in subsection A above, the Sewer-Water Commissioner or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this chapter.
3. The Sewer-Water Commissioner and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

**8-3-24: DELINQUENT ACCOUNTS:**

If any person neglect, refuse, or fail to pay his sewer bill within 30 days after the same becomes due, services to that particular user may be discontinued by plugging off the sewer line at the point of entry into the sewer main. Before the services are renewed, the total delinquent amount must be paid, together with a $3 penalty fee and a 10% late fee, and the excavation expenses incurred in plugging off the sewer line. In the event the Town elects to sue in a civil court of competent jurisdiction for recovery of the delinquent sewer tariff; costs of court, sheriff’s fees, a reasonable attorney’s fee, and interest at the rate of 10% per annum on the said delinquent account, shall be assessed to the defendant and become part of the claim of the Town of Dixon.

**8-3-25: VIOLATIONS:**

1. Any person found to be violating any provision of this ordinance, except Section 8-3-22, shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person who shall continue any violation beyond the time limit provided for in subsection A, shall be guilty of a misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.
3. Any person violating any of the provisions of this Chapter shall become liable to the Town for any expenses, loss, or damage occasioned the Town by reason of such violation.

**Chapter 4**

**SEWER-WATER COMMISSIONER**

**8-4-1: SEWER-WATER COMMISSIONER:**

There is hereby created the office of Sewer-Water Commissioner, who shall be the representative of the Mayor and Town Council in the management and supervision of the waterworks and sanitary sewer.

**8-4-2: APPOINTMENT AND TERM:**

The Sewer-Water Commissioner shall be appointed by the Mayor, with the approval of the Town Council, and shall serve for a period of one year, and shall not be removed from office except for good cause shown. The Sewer-Water Commissioner shall be the Chief Water/Sewer Operator of the Town of Baggs, pursuant to the current Memorandum of Understanding between the Town of Baggs and Town of Dixon.

**8-4-3: COMPENSATION:**

The Sewer-Water Commissioner shall not be directly compensated from the Town of Dixon. The Sewer-Water Commissioner will be compensated by the Town of Baggs, pursuant to the Memorandum of Understanding between the Town of Baggs and Town of Dixon.

**8-4-4: DUTIES:**

In addition to the duties prescribed for the Commissioner in Chapters 2 and 3 of this Title, the Sewer-Water Commissioner shall also make a detailed managerial report to the Town Council every month. The report shall describe the general condition of the sewer and water works systems, including the pipes, mains, hydrants and the lagoon. The Commissioner shall recommend such improvements, repairs, extensions and modification of the system as he/she may deem proper. He/She shall execute purchase orders for all new work and materials needed for either system. He/She shall inspect and keep a correct record of all tapping’s or alterations made by consumers and users. He/She shall keep a correct inventory of all tools, materials and supplies pertaining to the water and sewer systems. He/She shall audit and approve or disapprove any claim for labor performed or materials furnished to either of said systems. No claims shall be honored by the Town Clerk until the Commissioner has approved the same.

**Title 9**

**SUBDIVISION REGULATIONS**

**Chapter 1**

**TITLE AND AUTHORITY**

**9-1-1: SHORT TITLE:**

The title shall be known and cited as the DIXON SUBDIVISION ORDINANCE.

**9-1-2: AUTHORITY:**

2003 Wyoming Statutes, title 15, chapter 1, article 5.

**9-1-2: PURPOSE AND INTENT:**

The purpose and intent of these regulations is to provide for the harmonious development of the community; to provide for the proper location and width of streets, building lines, open spaces, safety and recreational facilities, utilities, drainage, and for the avoidance of congestion of population through requirements of minimum lot width, depth and area and the compatibility of design; to require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewers, drainage, and other physical improvements shall be installed; and to provide for and secure to the governing body the actual construction of such physical improvements.

**9-1-4: APPLICABILITY:**

This title applies to the owners of any land located within the jurisdiction of this title. No person shall subdivide any tract of land which is located within the town limits, except in conformity with the provisions of this title.

**9-1-5: SUBDIVIDING:**

A plat is required when subdividing land into three (3) or more lots, blocks, tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels, or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto.

**9-1-6: EXEMPTIONS:**

The regulations in this title shall not apply in the following instances:

1. A change in the boundary between adjoining lands which does not create an additional lot;
2. Land used for street or railroad right of way, a drainage easement or other public utility subject to local, state or federal regulations, where no new street or easement of access is involved;
3. Whenever any lot, parcel or tract of land located within the area governed by this title has been subdivided, resubdivided or replotted prior to the adoption of this title;
4. Any transfer by operation of law.

**Chapter 2**

**DEFINITIONS**

**9-2-1: GENERAL DEFINITIONS:**

Definitions for the interpretation of this title are as set out in this chapter:

ALLEY: A public or private right of way which affords only a secondary means of access to abutting property.

BLOCK: A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights of way or parks, etc., or a combination thereof.

COLLECTOR STREET: Any street designed primarily for the purpose of gathering traffic from local or residential streets and carrying it to the major street system.

CUL-DE-SAC: A street having one end open to traffic and being permanently terminated by a vehicular turnaround.

DESIGN: The location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignments and rights of way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.

EASEMENT: A grant by the property owner to the public, a corporation, or persons for the use of a strip of land for specific purposes.

ENGINEER: Either the town engineer or the county engineer, depending upon the area of government jurisdiction.

FINAL PLAT: The final plan or map prepared in accordance with the provisions of this title and sent to the council through the commission for approval. If approved, the final plat shall be placed on record in the office of the register of deeds in the county in which any part of the subdivision is located.

IMPROVEMENTS: Street work and utilities that are to be installed or agreed to be installed by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs, as a condition precedent to the approval and acceptance of the final map or filing of the record of the survey map thereof.

LOT: A portion of land separated from other portions of land by description in a subdivision or other parcel of land, intended as a unit for transfer of ownership or for development.

MAJOR THOROUGHFARE: A heavy traffic street, highway or roadway designated as such on the official major street plan.

MARGINAL ACCESS STREETS OR FRONTAGE ROADS: A minor street which is generally parallel to or adjacent to a major traffic thoroughfare, highway or railroad right of way and provides access to abutting properties.

MASTER PLAN: A comprehensive plan prepared by the planning and zoning commission and adopted by the town council which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the town and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

PEDESTRIANWAY: A right of way dedicated to public use which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

PLANNING AND ZONING COMMISSION: The appointed board responsible for making recommendations for short and long range planning.

PLANNING AREA: That area on a map prepared and maintained for or by the planning and zoning commission describing the planning area limits.

PRELIMINARY PLAT: A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it for the consideration of the planning and zoning commission and town council. This map need not be based on an accurate or detailed final survey of the property.

OFFICIAL MAP: The map established by the town council showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto and adopted by the town council or additions thereto resulting from the approval of subdivision plats by the town council and the subsequent filing of such approved plats.

REPLAT: The platting of a parcel of land within the town limits in a manner different from the original recorded final plat on file in the office of the county clerk. No preliminary plat shall be required when the replat involves only minor changes to the lot line configuration unless a new preliminary plat is requested by the planning and zoning commission or the town council.

SECRETARY: The secretary of the planning and zoning commission.

SETBACK LINE OR BUILDING LINE: A line on a plat generally parallel to the street right of way, indicating the limit beyond which buildings or structures may not be erected or altered except as otherwise provided in the zoning regulations.

STREET: A right of way dedicated to public use or a private right of way serving more than one ownership, which provides principal vehicular access to adjacent properties, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, or however otherwise designated.

STREET WIDTH: The shortest distance between the lines delineating the right of way of a street.

SUBDIVIDE: The act of creating a subdivision.

SUBDIVIDER: Any person who, under the requirements of this title, causes land to be divided into a subdivision for himself or for others.

SUBDIVISION: The division of a tract of land into three (3) or more lots or parcels for the purpose of selling or developing.

TOWN COUNCIL: The elected governing body of Dixon, Wyoming.

**Chapter 3**

**ADMINISTRATION**

**9-3-1: DEED RESTRICTIONS:**

The planning and zoning commission shall have the right to confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum regulations regarding this matter be incorporated in the deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development of the property which is being subdivided.

**9-3-2: PREAPPLICATION:**

Prior to the filing of the preliminary plat, the subdivider shall contact the town engineer, the official authorized in administering the zoning regulations and other administrative personnel to determine:

1. Procedure for filing plats;
2. Availability of public sewer and water;
3. Master plan requirements for major streets, land use, parks, schools and public open spaces;
4. Zoning requirements for the property in question and adjacent properties.

**9-3-3: NECESSARY APPROVALS:**

1. Required Signatures: From and after the effective date hereof, before any preliminary plat can be considered by the planning and zoning commission, it must first contain the signatures and comments, if any, of the following:
	1. The town engineer;
	2. The town superintendent;
	3. The designated representative of the applicable gas company;
	4. The designated representative of the applicable telephone company; and
	5. Fire department.
2. Submission To Planning And Zoning Commission, Town Council: All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, shall be submitted to the planning and zoning commission for its consideration, and the planning and zoning commission’s recommendation shall be submitted to the town council for their official consideration and action.

**9-3-4: NOTICE OF HEARING:**

1. Notice To Subdivider: The planning and zoning commission shall notify the subdivider under this title of the time and place of a hearing before the planning and zoning commission on the preliminary plat not less than thirty (30) days before the date fixed for the hearing.
2. Notice To Adjacent Property Owners, Utility Offices And Public School District: Notice of the hearing, in the form of a certified letter with receipt verification required, shall be mailed to the owners of land within one hundred forty feet (140’) of the area proposed to be platted, as shown on the preliminary subdivision plan. Notice of the hearing regarding the proposed subdivision shall also be given to public or private utility offices serving the area and to the public school district.
3. Publication: Notice of hearing will also be advertised in the local paper for two (2) consecutive issues.
4. Failure To Contact All Adjoining Landowners: Although the list of persons notified of the hearing shall be reasonably accurate, failure to contact all adjoining landowners and utility and school officials shall not invalidate the hearing procedure.

**9-3-5: UTILITY EASEMENTS AND STREET IMPROVEMENTS FOR NEW ANNEXATIONS AND SUBDIVISIONS:**

No annexation to the town or subdivision plats or plans shall hereafter be approved, and no utilities, including electricity, water and sewer, shall be furnished except those that are presently in existence, unless the following requirements are first complied with:

1. Extensions: The owner of the property shall agree to pay for the extension of water and sewer lines from the existing system of the town. Utilities installation must meet town specifications.
2. Easement Rights Of Way: The owner shall obtain, at his/her cost, all rights of way for easements for such utilities along routes prescribed by the town, unless the town elects to acquire the rights of way or pay the costs thereof.
3. Compliance With Surface Water Drainage Utility Act: No annexation or subdivision shall be approved by the town until the owner has complied with the requirements of the state of Wyoming Statutes title 16, chapter 10, article 1, surface water drainage utility act.
4. Right To Reimbursement: Within a five (5) year period if the owner, having paid for and provided for an extension of a utility over and across undeveloped areas of the town, or if the town has participated in the costs, shall have the right to require reimbursement for their actual costs, without interest, as the unimproved area develops, such cost to be based upon the actual cost per lineal footage of line adjacent to the area being serviced as a result of tapping into such utility, and the owner requesting such utility service from such extension shall be required to pay the same.
5. Street Improvements: All unimproved streets shall provide drainage means, unless required at the time of annexation or subdivision under subsection B of this section, within one year after any block area subject to assessment has at least fifty percent (50%) of its area occupied for business or residence, and all persons owning unimproved areas between the existing improved roads of the town and the road to be improved shall be required to provide improvements to fully connect the newly proposed improvement districts or areas in accordance with the general assessment provisions provided by statute for forming improvement districts, all such improvements to be approved by the town of Dixon. Provided, however, the town does not have to approve the assessment district but can require the subdivider to escrow sufficient monies to pay for the improvements.

**9-3-6: PROVISION OF UTILITIES TO IMPROVEMENT:**

No site plan permits shall be issued until satisfactory arrangements have been made and accepted by the town for providing utilities to the place of such improvement.

**9-3-7: PERMITS:**

After the date of the adoption of these rules and regulations by the planning and zoning commission and the town council, no permits shall be issued for any structure that is located upon a lot or subdivision that has not been subdivided, unless approved in the manner as provided for in this title. This shall not apply to subdivisions or lots of record which were platted prior to the adoption of this title. No such plat or replat or dedication or deed of a street or public way shall be filed with the register of deeds, as provided by law, until such plat or replat or dedication or deed shall have endorsed upon it the fact that it has been submitted and approved by the planning and zoning commission and by the governing body as required by law.

**Chapter 4**

**PRELIMINARY PLATS**

**9-4-1: SUBMISSION OF PRELIMINARY PLAT:**

After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider shall submit a preliminary plat together with any supplementary information necessary.

**9-4-2: FILING FEE:**

A filing fee of one hundred fifty dollars ($150.00) shall accompany the filing of each preliminary plat.

**9-4-3: NUMBER OF COPIES:**

The subdivider shall submit seven (7) copies of the preliminary plat and seven (7) copies of a vicinity map (if not on the preliminary plat). These plans shall be filed with the town office at least thirty (30) days prior to a regular planning and zoning commission meeting or town council meeting at which the preliminary plat is to be considered.

**9-4-4: POSTING:**

At least fifteen (15) days before the preliminary plat is submitted to the planning and zoning commission, the applicant/subdivider shall post the property with a sign at least twenty four inches by thirty inches (24” x 30”) with the legend:

Development Proposal under Consideration

For information call the Town of Dixon

Town Hall

Telephone: 307-383-2555

The sign shall be placed where it is visible and legible from a public street. The sign shall remain in place until final action by the town council on the final plat. This section is not jurisdictional, but the planning and zoning commission may disapprove any final plat on the grounds that the sign was not posted.

**9-4-5: REQUIRED CONTENTS:**

Preliminary plats shall contain the following:

1. The proposed name of the subdivision. The name shall not duplicate or too closely resemble the name or names of any existing subdivision.
2. The location of the boundary lines of the subdivision and reference to the section or quarter section lines and north point.
3. The names and addresses of the developer, surveyor, landscape architect, architect or engineer who prepared the plat.
4. Scale of the plat, one inch equals one hundred feet (1” = 100’) or larger.
5. Date of preparation.
6. Existing conditions:
	1. Location, width and name of platted streets or other public ways, railroads and utility rights of way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision shall be shown on the preliminary plat.
	2. All existing sewers, water mains, gas mains, culverts or other underground installations within the proposed subdivision or adjacent thereto, with pipe size and manholes, grades and location shown.
	3. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shown.
	4. Topography, unless specifically waived, with contour intervals of not more than one foot (1’) referenced to municipality or USGS datum shown. Also, the location of watercourses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision shall be shown.
7. The general arrangements of lots and their approximate size.
8. Location and width of proposed streets, alleys, pedestrian ways and easements.
9. The general plan of sewage disposal, water supply and utilities in areas where public sewers and/or water are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and water system proposed.
10. Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation for public use.

**9-4-6: REVIEW BY UTILITY REPRESENTATIVES:**

Upon a receipt of a subdivision plat, the planning and zoning commission will notify the utility representatives who will be allowed ten (10) days to review the plat and make necessary comments.

**9-4-7: APPROVAL OR DISAPPROVAL:**

1. Planning And Zoning Commission Action: Action by the planning and zoning commission shall be conveyed to the subdivider, in writing, within ten (10) days after the official planning and zoning meeting, at which time the plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the planning and zoning commission.
2. Town Council Action: Action of the town council at their next scheduled meeting shall be either approval or disapproval of the preliminary plat after consideration of the planning and zoning commission’s recommendations, or approval with noted variance and/or changes. Subdivider shall be notified, in writing, of the council’s decision within ten (10) days.
3. Approval:
	1. Authorization To Proceed: The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat.
	2. Effective Period: The approval of the preliminary plat shall only be effective for a period of six (6) months unless an extension is granted by the planning and zoning commission.
	3. Resubmission Required: If the final plat has not been submitted for approval within this specified period, a preliminary plat must be resubmitted to the planning and zoning commission for approval.

**Chapter 5**

**FINAL PLATS**

**9-5-1: SUBMISSION; FEE:**

1. Submission Required: After approval of the preliminary plat, the subdivider shall submit for approval of the planning and zoning commission a final plat.
2. Accompanying Documentation: The final plat shall be accompanied by a title certificate approved by the town attorney showing title to those persons or entities signing the plat, agreements or bonds as may be specified by the town council in accordance with the provisions of subsection 9-5-3D12 of this chapter.
3. Number Of Copies: The original (on Mylar, tracing cloth or similar material, using waterproof ink) and ten (10) copies thereof shall be submitted to the town office at least fifteen (15) days prior to the planning and zoning commission public hearing.
4. Names And Signatures Of Owners: The names and signatures of the owners of the property duly acknowledged and notarized shall appear on the original copies submitted.
5. Scale: The final plat, prepared for recording purposes, shall be drawn at a scale of at least one inch equals one hundred feet (1” = 100’) or larger. The size of the sheet on which such final plat is prepared shall be twenty inches by thirty six inches (20” x 36”). Title, description and other written data to be located either right or left.
6. Engineering Plans: Engineering drawings and construction plans shall be submitted to the planning and zoning commission for recommendation to the town council no later than ninety (90) days after approval of final plat.
7. Final Filing Fee: A filing fee of one hundred fifty dollars ($150.00) shall accompany the final plat.

**9-5-2: INFORMATION:**

The final plat shall show and contain the following information:

1. Name of subdivision, not to duplicate or too closely resemble the name of any existing subdivision.
2. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one foot (1’) in five thousand (5,000).
3. The location of monuments or bench marks shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines including the true angles and distances to such reference points or monuments.
4. The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground.
5. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block.
6. The exact locations, widths and names of all streets and alleys to be dedicated.
7. Boundary lines and description of the boundary lines of any area other than streets and alleys which are to be dedicated or reserved for public use.
8. Name, signature and seal of the registered surveyor or the licensed engineer making the plat.
9. Scale of the plat (scale to be shown graphically and in feet per inch), date of preparation and north point.
10. Statement dedicating all easements, streets, alleys and all other public areas not previously dedicated.
11. Location of curbs, sidewalks, streetlights and fire protection.
12. The following certificates, which may be combined where appropriate:
	1. A certificate signed and acknowledged by all parties having any record, title or interest in the land subdivided, and consenting to the preparation and recording of the subdivision map.
	2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for any public use except those parcels which are intended for the exclusive use of the lot owners of the subdivision, their licensees, visitors, tenants and servants.
	3. A certificate signed by the licensed professional engineer or registered surveyor responsible for the survey and the final map. The signature of the engineer or surveyor shall be accompanied by his seal.
	4. The acknowledgment of a notary.

**9-5-3: SUPPLEMENTAL INFORMATION:**

The following additional data shall be submitted with the final plat:

1. Title Report: A title report by an abstract or a title insurance company or an attorney’s opinion of title, showing the name of the owner of the land and all other persons who have an interest in, or an encumbrance on, the plat. The consent of all such persons shall be shown on the plat.
2. Taxes: A certificate showing that all taxes and special assessments due and payable have been paid in full; or, if such taxes have been protested as provided by law, monies or other sufficient escrows guaranteeing such payment of taxes in the event the protest is not upheld, may be placed on deposit with such officials or governing body to meet this requirement.
3. Deed Restrictions: A copy of any deed restrictions applicable to the subdivision.
4. Extent And Manner Of Physical Improvements: As a condition to the approval of a final plat, the subdivider shall agree to install and pay for the following improvements:
	1. Streets: Streets shall be surfaced with concrete, asphaltic concrete or materials approved by the town engineer and shall include curb. County streets and roadways shall be improved in accordance with the requirements and specifications of the county engineer and shall include drainageways.
	2. Water: Where a public water supply is proposed to serve the subdivision, the water lines shall be installed within proper easements or within the limits of the street and alley rights of way and shall be of a size as approved by the engineer.
	3. Sewers: If the subdivision is serviced with a town or community sewage treatment plant, a sewer system shall be constructed which will provide service to each lot within the subdivision. The system of lateral sewers shall collect the sewage within the subdivision and discharge it into a main sewer or a community disposal system approved by the engineer, and an approval, in writing, of the plans and specifications for the sewer system shall be made by the engineer.
	4. Street Signs: Street signs will be supplied and erected by the developer.
	5. Sidewalks: Sidewalks abutting curbs shall be a minimum of four feet (4’) in width.
	6. Other Improvements: If other improvements are required, such as tree planting, retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendations of the planning and zoning commission and specifications of the engineer having jurisdiction.
	7. Lot Corners: All lot corners shall be set with five-eighths inch (5/8”) iron bars, two feet (2’) long, and all block corners shall be set with three-fourths inch (3/4”) iron bars, two feet (2’) long. All caps must meet state approval.
	8. Block Markers: All block markers must be permanently set and all points of intersection in street alignments set prior to the acceptance of the plat by the town, and prior to any lot being sold, the total block must be staked and corners set for all lots. Block corners shall be set one foot (1’) below grade.
	9. Bench Marks: A minimum of two (2) bench marks (monuments) shall be placed in each subdivision, located and installed as required by the engineer. In subdivisions larger than forty (40) acres, one bench mark shall be installed for each additional twenty (20) acre area. The monument shall be a three inch (3”) brass cap set permanently in concrete, ten inches (10”) in diameter by twenty four inches (24”) deep, approved by the engineer. The elevation of the monuments shall be identified on each.
	10. Bond For Construction: In lieu of the actual construction of the physical improvements required, the planning and zoning commission and governing body may, but is not required to, accept one of the following:
		1. A bond, approved by the town attorney, guaranteeing construction of the required improvements within a period of time to be specified and approved by the town council, with penalty for noncompliance.
		2. A petition, presented and approved by the governing body of the improvements, to be assessed against the subdivided property.

**9-5-4: SUBMITTAL TO TOWN COUNCIL:**

After the review of the final plat by the planning and zoning commission, such final plat together with the recommendations of the planning and zoning commission shall be transmitted to the town council as required by law for their review and action.

**9-5-5: PARTIAL OR WHOLE APPROVAL:**

Final plats submitted for approval pursuant to this title, and all amendments thereto, may include the entire area covered by the preliminary plat, or any portion of such area as is approved by the town council.

**9-5-6: RECORDED PLATS:**

Five (5) copies of the recorded plat shall be provided by the subdivider and shall be submitted to the secretary of the planning and zoning commission for distribution to various public and quasi-public departments, offices or agencies.

**Chapter 6**

**DESIGN STANDARDS**

**9-6-1: APPLICABILITY:**

The design requirements of this chapter shall apply to all subdivisions within the town limits unless conditions warrant a variance of said requirements.

**9-6-2: VARIANCE:**

The planning and zoning commission, after consulting with other affected town departments, may recommend variances in following areas:

1. Dead end streets.
2. Street intersections.
3. Street grades provided that a variance of more than ten percent (10%) from the specification requires the town council decision.
4. Street grades at intersection approaches.
5. Lot lines.
6. Reversed corner lots.
7. Block dimensions.

**9-6-3: GRIEVANCE:**

Any person aggrieved by a variance decision may ask the town council to reconsider said decision. The town council may uphold, amend, or reverse the decision at its discretion. At that time, the town council’s decision is final.

**9-6-4: DESIGN CRITERIA:**

1. Streets:
	1. Topography: Streets shall bear a logical relationship to topography and to the location of platted streets in adjacent property.
	2. Minimum Widths: Minimum street widths shall be as follows:

|  |  |  |
| --- | --- | --- |
| Classification | Right of Way Width(In Feet) | Roadway Width(In Feet) |
| Local, parking on both street sides | 80 | 52 |

* 1. Marginal Access, When Required: When a subdivision adjoins or contains an existing or proposed major arterial highway or street on which traffic volumes and vehicular speeds warrant special safety features, marginal access streets at least thirty feet (30’) in width shall be required.
	2. Dead End Streets: Dead end streets shall not be more than four hundred feet (400’) in length, with a minimum outside radius of fifty feet (50’) at the closed end.
	3. Intersections: Streets shall intersect at right angles.
	4. Full Width Streets; Platting: Full width streets shall always be platted.
	5. Crown Grade:
		1. Generally: Street grades shall be more than five-tenths percent (0.5%) but less than ten percent (10%) for local and collector streets and alleys and less than six percent (6%) for major arterial streets.
		2. Intersection Approaches: Streets shall be leveled to a grade of less than four percent (4%) for a distance of at least one hundred feet (100’) approaching all intersections.
	6. Street Offsets:
		1. Streets which are offset at an intersection with collector or arterial streets shall have a curb to curb offset of no less than two hundred feet (200’).
		2. Streets which are offset at an intersection with local streets shall have centerline to centerline offsets of no less than one hundred twenty five feet (125’).
	7. Naming Streets: When streets are in alignment with existing streets, the new streets shall be named according to the streets with which they correspond. Streets which do not fit into an established street naming pattern shall be named in a manner which will not duplicate or be confused with existing street names.
1. Drainage And Irrigation Ditches: Major drainage ditches and irrigation ditches shall not be permitted on public streets or highways except to cross such public street or highway.
2. Alleys:
	1. Alleys at least twenty feet (20’) in width and opened at both ends shall be required in all districts.
	2. Where alleys are not required, easements shall be granted or reserved at least ten feet (10’) in width on each side of all rear lot lines and along side lot lines where necessary for utility installation and maintenance.
3. Lots:
	1. When Subjected To Flooding: No lots shall be platted in areas subject to flooding unless adequate flood protection measures are taken.
	2. Dimensions: Lots shall be at least as large as required in the minimum standards contained in the setback and zoning ordinance, but in no event shall any interior lot be less than sixty feet (60’) in width nor shall any corner lot be less than seventy feet (70’) in width in residential areas.
	3. Lot Lines: Lot lines shall be at right angles to the street lines or at right angles to the tangent of the curb of the street line.
	4. Reversed Corner And Through Lots: Reversed corner lots and through lots shall not be permitted.
	5. Frontage Lots: All lots shall front on a public street or highway or a common area fronting directly on a public street or highway. For the purpose of this section, “common area” means real property held in common ownership of all lot owners for the common use and enjoyment of all lots.
4. Block Dimensions: Blocks for residential use shall be not less than three hundred feet (300’) in length and not more than nine hundred feet (900’) in length.
5. Master Plan: If the master plan of the town contains proposals for drainage rights of way, school sites, parks, playgrounds or other public tracts within a proposed subdivision, before approving the subdivision, the town council, upon recommendation of the planning and zoning commission, may require that drainage rights of way, school sites, parks, playgrounds or other public tracts shown on the master plan be shown in locations and sites suitable for their intended sizes. The town council, upon recommendation of the planning and zoning commission, may require reservation of the location and extent of drainage rights of way, school sites, parks, playgrounds or other public tracts shown on the master plan. Such reservation shall be for a period of two (2) years after the approval of the final plat or such further time as may be agreed to by the subdivider. At the end of the two (2) year period or extension thereof, the town council or school board shall enter into a contract to purchase or institute condemnation proceedings according to law for such drainage rights of way, school sites, parks, playgrounds or other public tracts shown on the master plan; otherwise, the subdivider shall no longer be bound by the reservation. This provision shall not apply to the streets and roads or drainage rights of way required for final approval of any plat and deemed essential to the public welfare.
6. Conformance With Town Plans: Streets, street lighting, and utility rights of way, fire protection and public open spaces shall conform to the official plans of the town for the extension and location of such public facilities.
7. Communication And Power Lines To Be Underground: All telephone, television and electrical power lines shall be placed underground, in streets, alleys or easements in a manner approved by the town engineer.

**Chapter 7**

**VARIANCES AND EXCEPTIONS**

**9-7-1: RECOMMENDATION OF PLANNING AND ZONING COMMISSION:**

Whenever it is found that the land included in a subdivision plat, presented for approval, is of such size, shape or is subject to or is affected by topographical location or conditions, or is to be devoted to such use that full conformity to the provisions of these regulations is impossible or is impractical, the planning and zoning commission may recommend to the town council, by letter of transmittal, that the town council authorize variances or exceptions to the final plat so that substantial justice may be done and the public interest secured.

**9-7-2: REQUIRED FINDINGS:**

In recommending such variances or exceptions, the planning and zoning commission shall find the following:

1. There are special circumstances or conditions affecting the property;
2. The variances or exceptions are necessary for the reasonable and acceptable development of the property in question;
3. The granting of the variances or exceptions will not be detrimental to the public welfare or injurious to other property in the vicinity in which the property is situated.

**Chapter 8**

**LOT SPLITS**

**9-8-1: GENERAL INTENT:**

1. The intent of this chapter is to provide for the issuance of building permits on lots divided into not more than two (2) tracts without having to replat the lot; provided, that the resulting lots shall not again be divided without replatting.
2. The planning and zoning commission may approve or disapprove lot splits in accordance with this chapter.

**9-8-2: APPLICATION PROCEDURE:**

1. Written Application: Requests for lot split approval shall be made by the owner of the land to the planning and zoning commission. Four (4) copies of a drawing to scale of the lots involved if there are no structures thereon, or if structures are located on any part of the lot being split, four (4) copies of a survey of the lot(s) and the location of the structure(s) thereon, together with the precise nature, location and dimensions of the split, shall accompany the application. The application shall be accompanied by the names and addresses of all persons to receive notices.
2. Notice To Adjacent Landowners; Protests: Written notices shall be given to all owners of land within one hundred forty feet (140’) of the property proposed to be split. Such owners shall have ten (10) days from the date of notification to notify the planning and zoning commission of any protests they may have concerning the lot split. The ten (10) day waiting period may be waived upon submission, in writing, of statements from those to be notified that they have no objection to the proposed split.

**9-8-3: APPROVAL GUIDELINES:**

Approval or disapproval of lot splits shall be made based on the following guidelines:

1. No lot split shall be approved if:
	1. A new street or alley is needed or proposed;
	2. A vacation of streets, alleys, setback lines, access control or easements is required or proposed;
	3. Such action will result in significant increases in service requirements, e.g., utilities, schools, traffic control, streets, etc., or will interfere with maintaining existing service levels, e.g., additional curb cuts, repaving, etc.
	4. There is less street right of way than required by these regulations or the comprehensive plan unless such dedication can be made by separate instrument;
	5. All easement requirements have not been satisfied;
	6. Such split will result in a tract without direct access to a street; or
	7. A substandard sized lot or parcel will be created.
2. Additional Requirements: Along with the recommendation of the planning and zoning commission, the town council may make such additional requirements as deemed necessary to carry out the intent and purpose of existing land development regulations and governing body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of rights of way and easements, and submission of covenants for the protection of other landowners in the original subdivision.
3. Planning And Zoning Commission Recommendation; Town Council Decision: The planning and zoning commission shall recommend to the town council either to approve with or without conditions of the lot split within thirty (30) days of application. The town council shall, in writing, report their decision to the applicant. If approved, and after all conditions have been met, the town council shall sign and furnish a certificate of approval to be affixed to the lot split survey, and a certified copy thereof shall be filed with the register of deeds, the official designated to issue the building or occupancy permits, and a copy shall be furnished to the applicant.

**9-8-4: FEES:**

1. Filing Fee: The filing fee for a lot split shall be one hundred fifty dollars ($150.00).
2. Costs: Cost of recording documents, publications, writs and engineering costs are payable by applicant in addition to filing fees. These costs will be billed to the applicant.

**Title 10**

**ZONING AND SETBACK REGULATIONS**

**Chapter 1**

**TITLE AND AUTHORITY**

**10-1-1: SHORT TITLE:**

This title shall be known and may be cited as the ZONING AND SETBACK ORDINANCE OF THE TOWN OF DIXON, WYOMING.

**10-1-2: AUTHORITY:**

In pursuance of authority conferred by Wyoming Statutes section 15-1-601 et sew., as amended, and for the purposes of promoting the health, safety, morals, and general welfare of the inhabitants of the town of Dixon, Wyoming.

**10-1-3: PURPOSE AND APPLICATION:**

In their interpretation and application, the provisions of this title shall be held to be the minimum requirements adopted for the public health, safety and welfare. It is not intended by this title to repeal, abrogate, annul or in any way impair or interfere with the existing provisions or other laws or ordinances, except those specifically repealed by this title, or restrictions placed upon property by covenant, deed or other private agreement. Where this title imposes a greater restriction upon land or structures than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this title shall control. The concept of “spot zoning” shall be specifically repudiated by this title.

**10-1-4: GENERAL SITE PLAN REQUIREMENTS:**

To assist in determining the need for a site plan, the following general guidelines may be used.

1. Site Plan Required: A site plan shall be required for:
	1. Anything that is to be permanently attached to the property, or that is to remain on the property for more than thirty (30) days. This includes, but is not limited to, buildings, perimeter walls, hedges and fences (even though the fence posts are not cemented in), as well as mobile homes that remain on the property for more than thirty (30) days, regardless of whether or not attached to a foundation.
	2. An enclosed addition to any existing building on the property.
	3. Whenever public utilities are required to a facility.
	4. Home occupation (See definition, section 10-2-2 of this title).
	5. Nonconforming use (See definition, section 10-2-2 of this title).
	6. Planned development.
	7. Zoning additions or changes.
	8. Other items covered by this title but not specifically listed in this subsection.
2. Site Plan Not Required: A site plan will not be required for:
	1. Any portable building (see definition, section 10-2-2 of this title).
	2. Any building repair or interior remodeling.
3. Waivers: Waivers of the zoning and setback requirements may be granted using the following procedure:
	1. A written request and explanation of circumstances shall accompany the request for waiver.
	2. The request must be presented, in person, to the planning and zoning commission at a scheduled meeting.
	3. A majority vote in favor must be obtained from the planning and zoning members present. The town council will then determine whether or not to allow all or part of the waiver.

**10-1-5: OFFICIAL ZONING MAP:**

The town is not hereby divided into zones or districts.

**Chapter 2**

**DEFINITIONS**

**10-2-1: RULES OF CONSTRUCTION:**

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely suggestive.

**10-2-2: GENERAL DEFINITIONS:**

For the purpose of this title, the following terms, phrases, words and their derivations shall have the meaning given herein:

ACCESSORY BUILDING: A building customarily incident to and located on the same lot with the main building.

ALLEY: A public way sixteen feet (16’) in width which is not designed for general travel and is used as a means of access to the rear of the property abutting along its length.

BUFFER: Used in the form of plantings or decorative walls or fences to adequately buffer, separate, or conceal for the separation of properties.

BUILDING: An enclosed structure which is for the habitation or shelter of human beings, the shelter or storage of property, or for the occupation for some purpose of trade or manufacture.

BUILDING HEIGHT: The vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of the ceiling of the top story in the case of a flat roof, or to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING LINE: A line formed by the outer face of the closing wall of a building or portion thereof and the surface of the ground used to establish certain setback requirements.

CONDOMINIUM: An individual air space unit shall consist of any enclosed room or rooms occupying all or part of a floor or floors in a building of one or more floors to be used as residential, professional, commercial, or industrial purposes and which has access to a public street.

DEVELOPMENT PLAN: A plan required to show total utilization of a plot of undeveloped land requiring subdivision. A plan is also required for resubdivision of an existing development if the cost is expected to be twenty five percent (25%) of, or greater than, the worth of the existing development.

DRIP LINE: The overhang of a roof from which water drips. Some setback requirements are measured from this location. Setbacks for any structure or building not having a drip line will be measured from the structure or building line.

DUPLEX DWELLING: Two (2) single-family dwelling units sharing a common wall on the same lot which may or may not have joint services or facilities for both.

DWELLING: One or more rooms providing complete living facilities for one family, including equipment for cooking provisions for the same, and including room, or rooms, for living, sleeping, and eating.

DWELLING; MULTI-FAMILY: A dwelling or group of dwellings on one plot containing separate living units for three (3) or more families, but which may have joint services or facilities for each.

FAMILY: One or more persons living as a single household or housekeeping unit.

FRONT YARD: A space on the same lot with the main building, extending the full width of the lot and situated between the back of the curb and the front line of the building projected to the side lines of the lot.

GARAGE: A building or part thereof accessory to a main building and providing storage of automobiles.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or accessory building and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and not more than two (2) persons are engaged in such occupation. Some home occupations may require written consent of neighbors within a radius of two hundred feet (200’).

LAWFUL USE: A term used to define the legal utilization of a building or structure not meeting the minimum requirements of this title.

LOT: A parcel of land occupied or capable of being occupied by one building, and the accessory buildings, or uses customarily incidental to it, including such open spaces as are required by this title.

LOT CORNER: A lot at the point of abutting of two (2) or more intersecting streets, the angle or intersection being not more than one hundred thirty five degrees (135°).

MAIN BUILDING: Any enclosed structure and its attached structures for the habitation or shelter of human beings.

MOBILE HOME: A structure transportable on its own undercarriage and wheels and so constructed as to permit its being conveyed upon a public street or highway with special permit and constructed in such a manner as will allow permanent year round occupancy thereof as a dwelling. A structure having a flush toilet, bath or shower, and all other home facilities. (This definition also applies to structures termed as “doublewide”.)

MODULAR STRUCTURE: An enclosed prefabricated structure transportable using separate conveyance and placed on a permanently constructed foundation for use as a dwelling or accessory building. Structure must be supported at its outside perimeter walls.

MOTORIZED HOME: A vehicle used and so constructed as to permit it being used as a conveyance upon public streets and highways and duly licensable as such, constructed in such a manner as will permit occupancy thereof, as a temporary dwelling. (Examples would include pickup campers, on or off vehicle, and converted busses.)

NONCONFORMING BUILDINGS OR STRUCTURES: Any building or structure that does not meet the minimum setback requirements of this title.

ORDINANCE ENFORCEMENT OFFICER: An individual appointed by the town council for the purpose of verifying that the work is being done according to the approved work description. Said officer shall have stop work authority.

PORTABLE BUILDING: A building of two hundred (200) square feet or less, not permanently attached to the property or to another permanent building. A portable building must be able to be moved in case of an emergency. Public utilities cannot be permanently attached.

REAR YARD: A space on the same lot with the main building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

SETBACK: To be considered from property line or back of curb to drip line or building line.

SIDE YARD: A space on the same lot with the main building situated between the building drip line and the side line of the lot and extending from the front yard to the rear yard.

STREET: A public thoroughfare more than thirty feet (30’) in width which has been dedicated or deeded to the public use and which affords principal means of access to abutting property.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.

TOWN COUNCIL: The governing body of the town of Dixon and serves as the Planning and Zoning Commission unless one is appointed.

TOWNHOUSE: A single-family dwelling unit attached to another single-family unit by a common wall and containing three (3) or more dwelling units. The owner of the dwelling unit shall also own a specific lot or parcel of land (with a deed) in conjunction with the ownership of the townhouse unit.

TRAVEL TRAILER: A duly licensed fifth wheel or other towable trailer of any length, so constructed as to permit it being conveyed upon public streets and highways without special permits and constructed in such a manner as will permit occupancy thereof, as a temporary or seasonal dwelling. (Wheels and axles are not normally removed. If they are removed, then trailer must meet zoning required for mobile homes.)

UNSAFE BUILDINGS OR STRUCTURES: A building or structure so constructed that it creates a potential threat to life and limb, or an existing building or structure that has deteriorated to the point where it is declared by a knowledgeable representative of the town as unsafe to be in or around.

**Chapter 3**

**DISTRICTS**

**ARTICLE A. R-1 SINGLE RESIDENCE/COMMERCIAL ZONE**

**10-3A-1: USES PERMITTED:**

Accessory buildings.

Home occupation.

Modular structures places on a permanent foundation.

Mobile homes.

One-family dwelling.

Duplex dwellings.

Boarding or rooming houses for any number of guests, but not primarily for transients.

Multiple dwelling for any number of families.

Townhouses and condominiums.

Commercial - All activities shall be conducted wholly within a completely enclosed building unless otherwise specified. Any use operating as stores, shops, hotels, motels, restaurants, bars, drive-up food establishments, or businesses shall be primarily retail establishments and allow only for incidental wholesale of products produced on the premises.

Auto repairs:

1. Auto body and fender work, painting and upholstering when performed in a completely enclosed building.
2. No storage of automobiles for salvage purposes. Automobile parking on the premises may be those awaiting repair only.
3. No more than ten (10) vehicles awaiting repair may be left out in public view unless a six foot (6’) privacy fence surrounds the parking area.

Gasoline service station, incidental repair only.

Professional offices, including real estate, insurance offices, and banks.

Sale of automobiles, new and used.

Warehousing only for the storing of nonhazardous material:

1. All storage to be in an enclosed building or behind a minimum six foot (6’)/maximum ten foot (10’) privacy fence.
2. No activities occur other than the loading and unloading of items.
3. No receiving allowed between the hours of 10:00 p.m. and 6:00 a.m..

**10-3A-2: BUILDING HEIGHT:**

Maximum building height, thirty five feet (35’).

**10-3A-3: LOT AREA:**

1. Residential - Minimum lot area, six thousand (6,000) square feet.
2. Businesses – Minimum lot area, six thousand (6,000) square feet.

**10-3A-4: YARDS:**

1. Front yard:
	1. Residential - Minimum of ten feet (10’) from lot line to building line.
	2. Commercial –Minimum of ten feet (10’) from lot line to building line.
2. Side yard:
	1. Residential - Minimum of five feet (5’) from drip line of roof to side lot line.
	2. Commercial –Minimum of five feet (5’) from drip line of roof to side lot line.
3. Rear yard:
	1. Residential - Not less than five feet (5’).
	2. Commercial –Not less than five feet (5’).

**10-3A-5: DISTANCE BETWEEN BUILDINGS:**

The minimum distance between main buildings and accessory buildings a distance of ten feet (10’) from drip line to drip line.

**10-3A-6: ACCESSORY BUILDINGS:**

The drip line of the roof may be located five feet (5’) from rear and side lot line.

1. Garage entrance, minimum of five feet (5’) from rear lot line.
2. Garage entrance, minimum of ten feet (10’) from lot line.

**10-3A-7: SKIRTING:**

Perimeter of travel trailer, motorized home, or mobile home must be skirted from the base of the trailer to the ground. Skirting must be installed no later than thirty (30) days after trailer has been located onto a lot or lot area.

**Chapter 4**

**SUPPLEMENTAL REGULATIONS**

**10-4-1: OFF STREET PARKING:**

1. Parking Space Defined: For the purpose of this section, two hundred forty (240) square feet of floor or lot area, together with adequate access to a public street, shall be deemed to be one parking space; the space being twelve feet by twenty feet (12’ x 20’).
2. Parking Space Requirements: Off street automobile parking space, or evidence of the availability of said parking space, shall be provided according to the following schedule and subject to the following conditions in any zone in which any of the following uses shall hereafter be established:

|  |  |
| --- | --- |
| Use | Spaces Required |
| Churches and auditoriums | 1 space for each 5 seats or for each 5 persons of design occupancy of the primary meeting room |
| Dwellings | A minimum of 1 off street parking space per residential dwelling unit per lot shall be provided. |
| Hospitals, nursing homes, clinics, sanitariums, or convalescent homes | 1 space for each 600 feet gross floor area and 1 space for each doctor |
| Hotels, motels, and boarding and rooming houses | 1 space per guestroom |
| Offices | 1 space per 200 square feet of floor area |
| Restaurants and nightclubs | 1 space per 125 square feet of gross floor area |
| Retail sales facilities | 1 space per 200 square feet of gross floor area |
| Warehouses and wholesale establishments | 1 space per 200 square feet of building office and/or display area, plus 1 space per 1,000 square feet of additional gross floor area |

In addition to the requirements of any other section of this title, 1 off street parking space for each employee shall be provided for any land use other than an office building. The number of employees used in computing parking requirements shall be the greatest number of persons employed at any time of the day or night.

Any business that requires pick up or delivery of goods by any vehicle over 26,000 pounds GVW shall provide, at minimum, 1 off street loading area. Minimum size will be 10 feet wide by 30 feet long. This area will not include any of the curb or sidewalk area.

**10-4-2: SIGNS:**

1. General Requirements: Signs shall be permitted according to the following general requirements:
	1. All signs must be constructed in a professional like manner.
	2. Signs protruding from a business building shall be ten feet (10’) above a public sidewalk at the sign’s lowest point.
	3. Off premises advertising signs (billboards) shall not exceed thirty two (32) square feet in area per face.
	4. Real estate development signs: Such signs shall be located on the site being advertised and shall not exceed thirty two (32) square feet in area per face.
	5. Vehicles or trailers may be used as signs; provided, that use does not exceed thirty (30) days.
2. Exemptions: All signs erected by a public agency controlling or directing traffic, railroad crossing warning devices, and private signs used exclusively to direct automobile traffic on private property shall be exempt from these regulations.
3. Prohibited Signs: The following shall be prohibited:
	1. Those with mechanical or electrical appurtenances, such as “revolving beacons” which are obviously designed to just compel attention.
	2. Any sign located so as to conflict with any public devices controlling public traffic.
	3. Any sign that will interfere with the sight distance or view that is required to safely operate a motor vehicle or for pedestrians to cross a right of way where motor vehicles are operated.

**10-4-3: FENCES, WALLS, HEDGES, SHRUBS AND TREES:**

1. Residential:
	1. Front yard: Those used as a front yard boundary shall not exceed four feet (4’) in height. (See definition of “front yard”, section 10-2-2 of this title.)
	2. Side yard: Those used as side yard boundaries abutting streets on corner lots shall not exceed four feet (4’) in height. (See definition of “side yard”, section 10-2-2 of this title.)
	3. Setback: All that are adjacent to streets shall be set back a minimum of four feet (4’) from back of curb to allow for sidewalks and pedestrian traffic.
	4. Rear and interior side yards: Rear and interior side yards (side yard not abutting a street) that uses fences, walls, hedges, shrubs or trees as a boundary shall not exceed eight feet (8’) in height. (See definitions of “rear yard” and “side yard”, section 10-2-2 of this title.)
	5. Barbed wire or other sharp objects: No residential fences or walls shall be constructed using barb wire or other sharp objects, except on land within the Town that is not divided into lots.
	6. Electric fences: No aboveground electrified fences shall be used.
2. Industrial Fences and Walls: Perimeter fences that are adjacent to residential zones or land uses and/or public roads shall have a solid buffer wall or fence of a minimum of six feet (6’) and not to exceed ten feet (10’) in height or a maintained greenbelt area consisting of trees and/or hedges.

**10-4-4: SIDEWALKS AND DRIVEWAYS:**

All sidewalks and driveways must be constructed in a professional like manner.

**10-4-5: MINIMUM LOT SIZE:**

After approval of this title, no parcel of land may be subdivided into lots that are less than six thousand (6,000) square feet.

**Chapter 5**

**GENERAL PROVISIONS AND EXCEPTIONS**

**10-5-1: PUBLIC UTILITIES PERMITTED:**

Nothing in this title shall prevent the location or erection of installations necessary to distribute public utilities. However, this does not provide for storage yards or warehousing unless allowed by the zone in which the installation is located. Such an installation is subject to the minimum/maximum front and side yard requirements of the zone in which said installation is located. Fences, walls and buffers shall be erected in compliance with the minimum front and side yard requirements of the applicable zone.

**10-5-2: NONCONFORMING BUILDINGS AND STRUCTURES:**

Any building or structure shown upon an official subdivision map duly approved and recorded prior to the effective date hereof, or any building or structure for which a bona fide deed is of record in the office of the county recorder of Carbon County, or for which a valid, bona fide contract of sale is in full force and effect at the time this title becomes effective, and said map, deed or contract of sale is of record on said date, then the lawful use of any building, or structure existing at the time of the enactment hereof may be continued although such use does not conform with the provisions of this title.

1. Unsafe Or Hazardous Building Or Structure: Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any portion of a building or structure declared unsafe or hazardous by a proper authority. (See definition of Unsafe Buildings or Structures in section 10-2-2 of this title.)
2. Reconstruction: A nonconforming building or structure may be rebuilt due to loss by fire or other catastrophic occurrence as long as the nonconformance is not worsened.
3. Construction Approved Prior To Enactment of Chapter: Nothing contained in this chapter shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently processed within three (3) months of the date of such permit.
4. Abandonment: The use of a nonconforming building or structure which has been abandoned shall not thereafter be returned to any use unless a conforming building or structure has replaced it or it has been changed to another use under permit from the planning and zoning commission and town council. The following will be considered abandonment:
	1. When the intent of the owner to discontinue the use is apparent.
	2. When the characteristic equipment and the furnishings of the nonconforming building have been removed from the premises and have not been replaced by similar equipment within one year and no facts show intention to resume use.
5. Permits Of Nonconformity: The town council shall not issue a building permit for any nonconforming building or structure, unless a permit for the use of nonconforming property or evidence satisfactory to the town council is presented to show the existence of the nonconformity at the time of the adoption hereof.
6. Nonconforming Use: The temporary use of a motorized home or travel trailer may be granted in areas not zoned for these units as long as the following requirements are met:
	1. Utilities shall not be attached in a permanent manner.
	2. If unit is to be in place for longer than four (4) weeks, a request for permit is presented to the planning and zoning commission and approved by the town council.
	3. Permit shall be limited to one year.

**10-5-3: MOBILE HOMES:**

Any new mobile home manufactured, sold, distributed for sale, or offered for sale, or placed within the jurisdictional area of the Town which was manufactured or assembled after December 31, 1979, shall conform to the standards established by the Secretary of the United States Department of Housing and Urban Development pursuant to Section 604 of the National Mobile Home Construction and Safety Standards Act of 1974 and any amendments thereto. In no case shall any mobile home with a manufacture date older than twenty years be allowed to be placed within the municipal limits of the Town of Dixon, Carbon County, Wyoming.

**10-5-4: VIOLATION:**

The property owner or the owner’s agent or representative is responsible for compliance with this title. If responsible party is deemed to be out of compliance, said party shall be issued a stop work order by the ordinance enforcement officer. Offender shall have five (5) working days in which to demonstrate intent of bringing work into compliance or submit a request for waiver. (See subsection 10-1-4D for waiver.) If a request for waiver is submitted, all work must stop until the waiver is reviewed by the planning and zoning commission and approved by the town council.

**10-5-5: PENALTY:**

1. Failure To Comply; Fine: After the five (5) day period, any property owner or his/her agent or representative who refuses to obey the stop work order or refuses to comply with provisions of this title, shall be ticketed by the town police for the sum of not more than two hundred dollars ($200.00) for each offense. Each day that a violation exists, after offender has been notified, shall constitute a separate offense and will be fined accordingly.
2. Additional Remedies: In addition thereto, the town shall have the full power and authority to seek a temporary restraining order and/or injunction against the violator. Any fines, including criminal fines, attorney fees or costs incurred by the town not paid by the violator shall constitute a lien against the real property of the violator and the town may foreclose the same according to law.

**Chapter 6**

**MOBILE HOME PARK DEVELOPMENT**

**10-6-1: TITLE AND AUTHORITY:**

1. Short Title: This chapter shall be known as the DIXON MOBILE HOME PARK ORDINANCE.
2. Authority: Wyoming Department of Health and Social Services “mobile home park and campground regulations”.
3. Applicability:
	1. This chapter shall apply to all of the incorporated land within the town of Dixon, Wyoming; and including any existing mobile home parks, whose boundaries are established at the time of the adoption date hereof by the town council of Dixon, Wyoming.
	2. This chapter is designed for mobile home park development but requirements shall apply equally to all combined parks and campgrounds unless specifically noted. (See section 10-7-2, “Definitions”, of this chapter.)

**10-6-2: DEFINITIONS:**

Definitions for the interpretations of this chapter are as set out in this section:

ACCESSORY STRUCTURE: Any structure placed on the mobile home lot are not a part of the mobile home as the mobile home was originally constructed.

BUILDING: A structure erected for permanent use within the mobile home park.

BUILDING INSPECTOR: The person designated by the town council as the building inspector of the town of Dixon.

CAMPGROUND: A platted parcel of land used to provide accommodations for transit, temporary living.

COMBINED PARK: A platted parcel of land, a portion of which is used as a mobile home park and a separate portion used as a campground.

COMMISSION OR PLANNING AND ZONING COMMISSION: The planning and zoning commission of the town of Dixon, Wyoming.

EASEMENT: A specified use authorized by a property owner appurtenant to the land.

ENGINEER: The individual or firm currently licensed to work in the state of Wyoming as a professional engineer who has been appointed by the town council to act as its engineer.

INTERIOR STREET: A roadway designed for the movement of motor vehicles within a mobile home park.

LICENSE: A written document issued by the town council allowing a person to operate and maintain a mobile home park under the provisions of this regulation.

LOT AREA: The total area reserved for exclusive use of the occupants of a mobile home. (Sometimes referred to as “space” or “unit space” or “mobile home lot”.)

LOT LINE: A line bounding the lot as shown on the accepted plan.

MOBILE HOME: A structure transportable on its own undercarriage and wheels and so constructed as to permit its being conveyed upon a public street or highway with special permit and constructed in such a manner as will allow permanent year round occupancy thereof as a dwelling. A structure having a flush toilet, bath or shower, and all other home facilities. (This definition also applies to structures termed as “doublewide”.)

MOBILE HOME PARK (MHP): A platted parcel of land, appropriately zoned, upon which three (3) or more mobile homes are harbored for the purpose of being occupied either free of charge or for revenue purposes, and shall include any building, structure, vehicle or enclosure used or intended for use as a part of the equipment of such a mobile home park.

MOBILE HOME STAND: The part of the mobile home lot area which has been reserved for the placement of a mobile home.

MOTOR HOME: A vehicle used and so constructed as to permit it being used as a conveyance upon public streets and highways and duly licensable as such, constructed in such a manner as will permit occupancy thereof, as a temporary dwelling. (Examples would include pickup campers, on or off vehicle, and converted busses.)

PERMIT: A written document issued by the town council permitting the construction, alteration or expansion or operation of a mobile home park.

PERSON: Any individual, firm, trust, partnership, public or private association or corporation.

PLOT PLAN: Any map, plat or chart indicating the location and boundaries of properties consisting of two (2) or more lots described by reference to a recorded plat or by metes and bounds.

RIGHTS OF WAY: The area, either public or private, over which the right of passage exists.

SCREENING: Shall be fencing, planting of trees, shrubs, etc., or open space depending upon location of MHP.

SERVICE BUILDING: A building housing toilet, lavatory and other service equipment.

SETBACK: To be considered from property line or lot area line to the drip line or side of building or mobile home.

SHALL: Indicates that which is required.

SITE: A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

SKIRTING: A partition extending from the lower edge of the exterior walls of a mobile home to the ground.

STATE: The state of Wyoming and its various agencies and departments, either collectively or singly.

STATE DEPARTMENT OF ENVIRONMENTAL QUALITY: The divisions of the state government having to do with control of water, sewer, and waste facilities throughout the state.

STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES: The division of the state government known as environmental surveillance services having to do with health aspects of an MHP and other facilities throughout the state.

TOWN: The town of Dixon, Wyoming.

TRAVEL TRAILER: A duly licensed fifth wheel or other towable trailer of any length, so constructed as to permit it being conveyed upon public streets and highways without special permits and constructed in such a manner as will permit occupancy thereof, as a temporary or seasonal dwelling. (Wheels and axles are not normally removed. If they are removed then trailer must meet zoning required for mobile homes.)

TRAVELWAY: That portion of a roadway designed to directly accommodate vehicular movement.

TRUCK CAMPER: See definition of Motor Home.

WATER CONNECTION: A connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home park.

WATER RISER PIPE: That portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

**10-6-3: PERMITS:**

After the adoption date hereof it shall be unlawful for any person to conduct, alter, or extend any mobile home park hereafter referred to as MHP within the town of Dixon unless a valid permit has been issued by the town council of the town of Dixon in the name of the person for the specific operation, reconstruction, alteration or extension proposed.

1. It shall be unlawful for any person to create, operate, or administer any MHP within Dixon unless such person has been issued a valid permit by the town council. All applications for permits shall be reviewed by the building inspector and the planning and zoning commission. The town council, after considering the recommendations of the building inspector and the planning and zoning commission shall issue or deny a permit, or grant the permit upon compliance with stated conditions.
2. All applications for permits shall contain the following:
	1. Name and address of the applicant.
	2. Location and legal description of the MHP and/or subdivision of land according to state requirements, and certified by a land surveyor registered in the state of Wyoming.
	3. Adequate and complete engineering plans and specifications of the proposed MHP which shall be approved by the town engineer including, but not limited to:
		1. Area and dimensions of the tract of land.
		2. The number, location, and size of all individual mobile home lots.
		3. The location and width of roadways and walkways and parking spaces.
		4. The location of water and sewer lines and riser pipes, existing and proposed.
		5. The location of the water supply and refuse and wastewater disposal facilities.
		6. Floor plans of all buildings and central storage areas constructed or to be constructed.
		7. The location of the lighting and electrical systems and telephone service, both existing and proposed.
		8. The location of the recreation and open space areas and plans of these.
		9. A preliminary copy of the management’s rules and regulations (as in section 10-7-12 of this chapter).
		10. The locations of storm drains and catch basins and showing all natural and proposed drainages on a map.
		11. Location area of various types of land use within the MHP.
		12. Proposal for maintenance of all common areas and facilities.
3. The application for an MHP permit shall be accompanied by a copy of a valid permit issued by the state department of health and social services and the state department of environmental quality; this shall indicate that the plans and specifications have been reviewed and approved by the appropriate state agencies.
4. All applications for an MHP permit shall be accompanied by a performance bond or other evidence of liability insurance. The amount of the guarantee to be required shall be determined based upon the estimated cost of improvements to be installed in compliance with this chapter.
5. All applications for an MHP shall be accompanied by a fee of two hundred dollars ($200.00) plus twenty five dollars ($25.00) per mobile home lot.
6. One copy of the complete plans and specifications shall be filed with the Dixon town clerk-treasurer at least ninety (90) days prior to the proposed start date of construction. Review of said plans shall be completed within thirty (30) days of receipt by the building inspector and planning and zoning commission, except for such state and federal requirements that may apply.
7. Any person holding a valid permit shall give notice in writing to the town council within fourteen (14) days after having sold, transferred, or otherwise disposed of interest in or control of such MHP. If the MHP is to continue in operation the new owner must apply for a permit as specified in this chapter.

**10-6-4: INSPECTION OF MOBILE HOME PARK:**

1. Whenever the municipal officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, the town council shall give notice of such violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:
	1. Be in writing;
	2. Include a statement of the reason for its issuance;
	3. Allow a reasonable time for the performance of any act it requires;
	4. Be considered properly served when sent by registered mail with return receipt; contain an outline of remedial action which would be considered to comply with the provisions of this chapter;
	5. Unless such conditions are corrected the town council may revoke the licensee’s permit.
2. Whenever a municipal officer finds that an emergency exists which requires immediate action to protect the public health, the town council may without notice or hearing issue an order citing the existence of such an emergency, and require that such action be taken as the town council may deem necessary to meet the emergency.

**10-6-5: NOTICE, HEARINGS AND ORDERS:**

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, may request and shall be granted a hearing on the matter before a joint session of the planning and zoning commission and the town council.

**10-6-6: ENVIRONMENTAL, OPEN SPACE, AND ACCESS REQUIREMENTS:**

1. General: Condition of soil, ground water level, drainage and topography shall not create hazards to the property, adjacent properties, or the health and safety of the occupants. The site when established shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse environmental influences, and no portion subject to predictable sudden flooding or erosion, and shall not be used for any purpose which would expose persons or property to hazards.
2. Site Plan: Site plan improvements shall give consideration to:
	1. Facilities and amenities appropriate to the needs of the occupants.
	2. Safe, comfortable and sanitary use by the occupants under all weather conditions.
	3. Practical and efficient operation and maintenance of all facilities at reasonable costs.

**10-6-7: DENSITY, SPACING, AND OTHER STANDARDS:**

1. The maximum density of an MHP shall be regulated by separation requirements.
2. In an MHP no uses or facilities shall be allowed other than single-family mobile homes and those uses and facilities designated to serve the residents of the MHP and are compatibly incorporated into the design of the MHP.
3. The MHP shall be adequately graded and drained.
4. Minimum MHP setback from the property line of a dedicated public street or roadway is four feet (4’).
5. Minimum mobile home setback from the MHP perimeter property line is twelve feet (12’).
6. Curb, gutter and sidewalk shall be provided by the property owner, whenever an MHP abuts a dedicated public street or roadway. Curb, gutter, and sidewalk shall be constructed to applicable standards specified by the inspector of the town of Dixon.
7. There shall be direct automobile access to individual mobile home parking space from the interior road system, or from a dedicated public street or roadway.
8. There shall be a minimum of eight feet (8’) between a mobile home and an abutting interior street travel way.
9. There shall be a minimum distance between the outside walls of any two (2) mobile homes of fifteen feet (15’).
10. The unit space shall be fitted to the terrain with a minimum of disturbance to the land. Existing trees and other natural site features shall be preserved to the extent that is possible.
11. All mobile homes shall be well maintained. All mobile homes shall have an attractive, solid skirting around the perimeter, from bottom of mobile home to surface of ground, installed within sixty (60) days of moving into an MHP.
12. All MHPs located adjacent to existing industrial or commercial land as defined in the Dixon land use map, shall be provided, by the permit holder, with screening such as fences or natural growth along the property boundary line separating the MHP and the nonresidential uses.
13. A total of at least five percent (5%) of the gross area of each mobile home park shall be provided for recreational space. And at least an additional five percent (5%) of the gross area shall be open space for recreational vehicle parking.
14. All MHPs located adjacent to any other uses shall be provided, by the permit holder, with screening such as fences or natural growth along the property lines or as determined by the planning and zoning commission and approved by the town council.

**10-6-8: STREETS, PARKING AND NUMBERING OF UNIT SPACES:**

1. All MHPs shall be provided with safe and convenient vehicular access from abutting public dedicated streets and roadways.
2. Entrances to an MHP shall have direct connection to a dedicated public street or roadway. Any MHP having more than twenty (20) unit spaces shall have at least two (2) entrances.
3. The street system shall provide convenient circulation by means of minor streets and properly connected collector streets.
4. The surface of all interior streets shall be improved to provide safe, all weather access to the unit spaces. The surface shall be maintained to be smooth and free of holes or bumps, with the exception of speed bumps when or if required.
5. The improved street surface shall be of adequate widths to accommodate the parking and traffic in accordance with the type of street.
	1. All entrance streets and other major streets with parking allowed on both sides, forty feet (40’) minimum.
	2. Street with no on street parking, twenty four feet (24’) minimum.
	3. Minor street with parking allowed on only one side, thirty feet (30’) minimum.
6. Streets shall be adapted to the topography and should have suitable alignment and proper gradient for traffic safety, satisfactory surface and ground water drainage, and proper functioning of sanitary and storm sewer systems. Grades of all streets shall be sufficient to ensure adequate surface drainage.
7. Street intersections should generally be at right angles. Intersections of more than two (2) streets should be avoided.
8. At the intersection of MHP streets there shall be a sign readily visible from the street stating the names of the intersecting streets and the numbers of those unit spaces to be served by the specified street. The letters on this sign shall be no less than four inches (4”) in height.
9. Every mobile home shall display, on the side most readily observed from the abutting street, with numbers no less than four inches (4”) high, the number of its unit space.
10. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall be a minimum of three feet (3’) in width. All unit spaces shall be connected by walks no less than three feet (3’) in width.
11. At least one entrance to a mobile home shall be connected to a common walk. Such individual walks shall have a minimum width of three feet (3’).
12. All walks shall have a smooth, hard and dense surface which shall be durable under normal use and weather conditions. The walks shall be consistently maintained by the MHP owner.

**10-6-9: UTILITY HOOKUPS FOR MOBILE HOME PARKS:**

1. Each unit lot area shall be provided with underground electrical power.
2. Each unit lot area shall be provided with potable water.
3. Each unit lot area shall be provided access to waste disposal.

**10-6-10: MOBILE HOME UNIT SPACE:**

1. The limits of each mobile home lot area should be marked on the ground with iron bars placed at each lot corner; location of lots on the ground shall be in accordance with the approved plot plan.
2. There shall be at least one improved parking space on each mobile home lot. Each parking space shall be located off the designated MHP streets with a minimum dimension of nine feet by twenty feet (9’ x 20’).
3. The mobile home stand shall be improved to provide adequate support for the placement and installation of the mobile home; such as anchors or tie downs, etc. These anchor systems shall be placed at the expense of the individual mobile home owner.
4. Accessory structures may be constructed to provide additional storage or similar benefit to the individual mobile home; such a structure shall not be used as a part of the interior living unit. The codes and standards that shall be followed in all new construction are the international building code, 2003.
	1. Accessory structures shall be designed in a manner that will enhance the appearance of the MHP.
	2. Accessory structures shall not obstruct required openings for light and ventilation of the mobile home, shall not be closer than five feet (5’) to the mobile home lot line, and shall not prevent inspection of mobile home equipment utility connections.
	3. For combined parks and campgrounds, the floor plan of the service building shall be in accordance with the state requirements as stated in the 1982 mobile home park and campground requirements.
	4. Electrical circuits supplying the accessory structures shall be independent of the circuit supplying the mobile home.
	5. All accessory buildings shall be anchored properly.

**10-6-11: UTILITIES AND OTHER SERVICES:**

1. Water Supply And Distribution System:
	1. An accessible, adequate, safe and potable supply of water shall be provided in each MHP. The quality of the water supply shall receive approval from the applicable local and federal agencies.
	2. The water supply shall be capable of supplying a minimum of two hundred fifty (250) gallons per day per mobile home.
	3. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with applicable local, state and federal regulations and shall be of a type and in locations approved by the appropriate health agency.
	4. The distribution system shall be designed and maintained as to provide a pressure of not less than forty five (45) pounds and not more than eighty (80) pounds per square inch, under all normal operating conditions at each mobile home stand.
	5. Fire hydrants shall be provided and located within three hundred feet (300’) of any mobile home, service building or other structure in the MHP.
2. Individual Water Riser Pipes And Connections:
	1. An approved frost proof water riser shall be provided on each mobile home lot.
	2. Water riser pipes shall extend at least four inches (4”) above ground elevation. The pipe diameter shall be at least three-fourths inch (3/4”). The water outlet shall be capped when a mobile home does not occupy the lot.
	3. Adequate provisions shall be made to prevent freezing of service valves and riser pipes and to protect riser pipes from heaving and thawing actions of the ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
3. Sewage Disposal:
	1. General Requirements: An adequate and safe sewage system shall be provided in all mobile home parks for disposing of all sewage. All mobile homes shall be connected to a public sewage system. All sewage installations shall be designed, constructed and maintained in accordance with local, state and federal regulations. All connections shall be made with PVC pipe.
	2. Sewer Lines: All sewer lines shall be located in trenches with a minimum depth of two feet (2’) to be free of damage from traffic. Sewer lines shall be at a grade which will ensure a velocity of two feet (2’) per second when flowing full. The system shall be designed to handle a minimum flow of two hundred fifty (250) gallons per day per mobile home lot. All lines shall be constructed of materials approved by the building inspector and shall be adequately vented, and joints shall be watertight.
	3. Individual Sewer Connections:
		1. Each mobile home stand shall have a four inch (4”) diameter sewer riser pipe.
		2. The slope of any portion of the sewer connection shall be at least one-fourth inch (1/4”) per foot. All joints shall be watertight.
		3. Provisions shall be made for sealing the riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser shall extend at least four inches (4”) above ground elevations.
4. Solid Waste Disposal System:
	1. Solid waste collection stands shall be provided for all waste containers. Such stands shall be built to avoid container deterioration and minimize spillage.
	2. No solid waste collection stand for the common use of more than one mobile home shall be placed closer than twenty five feet (25’) from any mobile home.
	3. Provisions shall be made to ensure refuse collection at a minimum of once every week.
5. Gas And Electrical Distribution Systems:
	1. All MHP electrical wiring, fixtures and equipment shall be designed and constructed in accordance with the national electrical code.
	2. Gas equipment and installations within the mobile home park shall be designed and constructed in accordance with the applicable codes and regulations.
	3. Installation of gas and electrical distribution lines shall be underground.
6. Telephone and Television: When telephone or cable television service is provided, the distribution system shall be underground.
7. Approval: All plans for the construction of water, sewer, electrical and other utility services must be approved by the appointed town engineer and the state department of environmental quality and the state department of health and social services where applicable.

**10-6-12: RESPONSIBILITIES OF THE MANAGEMENT:**

1. The person to whom the permit for MHP is issued shall provide adequate supervision to maintain the MHP in compliance with this chapter and to keep facilities and equipment in good repair and sanitary condition. The management shall notify the residents of their duties and responsibilities under this chapter.
2. The management shall maintain a register containing the names of all residents identified by lot number or street address. Such register shall be available to any authorized person inspecting the MHP on behalf of the planning and zoning commission, town council or other appropriate public agencies.
3. The management shall adopt rules and regulations for the MHP to ensure a high standard of living for residents of the MHP.
4. A copy of all rules, regulations and procedures developed by the MHP management for the operation of the MHP shall be on file at the Dixon Town Hall.

**10-6-13: VARIANCE:**

1. A request for variance must be made in writing to the Dixon planning and zoning commission.
2. No variance will be considered if need for variance is a result of self-inflicted conditions.
3. In no case shall any variation, modifications, or waiver be more than a minimum easing of these requirements.
4. In granting variances, modifications, and waivers, a joint session of the planning and zoning commission, building inspector, town engineer or other entities may be required to determine collateral effect of town objectives.
5. Recommendations for approval or denial will be made to the Dixon town council by the planning and zoning commission.
6. Such variances, modifications, and waivers may be granted only by the affirmative vote of a majority of the members of the town council.

**10-6-14: APPEAL:**

All decisions made by the council may be appealed to the court system of the state of Wyoming.

**10-6-15: PLACEMENT REGULATIONS:**

1. General:
	1. All travel trailers, truck campers and motor homes shall be placed on or in a section of the MHP subdivision platted for this specific purpose. These shall be placed in a separate recreational vehicle (RV) section adjacent to the mobile home area of the development and shall be for the above named only.
	2. The MHP developer shall furnish a copy of the management’s rules and regulations for these units per section 10-7-12 of this chapter.
	3. All spaces providing utility hookups shall be constructed to meet all state, county and town development standards for MHP and shall be subject to the various inspections necessary by officials of these agencies.
	4. If proposed plans for RV park section of the development differ from mobile home section then adequate plans shall be furnished as per subsection 10-7-3B3 of this chapter.
	5. Unit spaces shall meet the same minimum width requirements as in sections 10-7-7 and 10-7-8 of this chapter. Each unit shall be given a separate number or letter which shall be marked at a place easily seen from the access roadway.

**10-6-16: PENALTIES AND VIOLATION:**

Violations of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person found guilty of violating the provisions of this chapter shall be fined up to one thousand dollars ($1,000.00) or imprisoned for not more than thirty (30) days or both, and in addition shall pay costs and expenses involved in the case. Each day such violation continues after a receipt of a violation notice shall be considered a separate offense.

**Title 11**

**FLOOD CONTROL**

**Chapter 1**

**FLOOD DAMAGE PREVENTION**

**11-1-1: STATUTORY AUTHORIZATION:**

The legislature of the state of Wyoming has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

**11-1-2: FINDINGS OF FACT:**

1. The flood hazard areas of Dixon 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.
2. 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.

**11-1-3: STATEMENT OF PURPOSE:**

It is the purpose of this chapter 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:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and sewer mains, electric, telephone, streets and bridges located in areas of special flood hazard;
6. 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;
7. 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.

**11-1-4: METHODS OF REDUCING FLOOD LOSSES:**

In order to accomplish its purposes, this chapter includes methods and provisions for:

1. 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 height or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

**11-1-5: DEFINITIONS:**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application:

AREAS OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

DEVELOPMENT: Any manmade 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.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of the community on which the federal emergency management agency has delineated areas of special flood hazard designated as zone A.

FLOOD OR FLOODING: 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.

MANUFACTURED HOME: 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 connected to the required utilities. This term also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

STRUCTURE: A walled and roofed building or manufactured home that is principally above ground.

SUBSTANTIAL IMPROVEMENT:

1. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
	1. Before the improvement or repair started, or
	2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
2. The term does not, however, include either:
	1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
	2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**11-1-6: APPLICATION AND INTERPRETATION OF PROVISIONS:**

1. Lands To Which This Chapter Applies: This chapter shall apply to all areas of special flood hazard within the jurisdiction of the town of Dixon.
2. Basis For Establishing Areas Of Special Flood Hazard: The areas of special flood hazard identified by the federal emergency management agency in its flood hazard boundary map (FHBM), dated September 30, 1987, or current revision, is adopted by reference and declared to be part of this chapter. The FHBM is on file at the state of Wyoming emergency management office.
3. Compliance: No structure or land shall hereafter be constructed, located, extended, or altered without full compliance with the terms of this chapter and other applicable regulations.
4. Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
5. Interpretation: In the interpretation of this chapter, all provisions shall be:
	1. Considered as minimum requirements;
	2. Liberally construed in favor of the governing body; and
	3. Deemed neither to limit nor repeal any other powers granted under state statutes.

**11-1-7: ADMINISTRATION:**

1. Administrative Authority: The town clerk-treasurer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
2. Duties And Responsibilities Of Town Clerk-Treasurer: Duties of the town clerk-treasurer shall include but not be limited to:
	1. Permit Review:
		1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
		2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
		3. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purposes of this chapter, “adversely affects” means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.
			1. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
			2. If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer’s certification) for the proposed development shall be required.
			3. If the proposed development is a building, then the provisions of this chapter shall apply.
	2. Use Of Other Base Flood Data: When base flood elevation data has not been provided in subsection 11-1-6B of this chapter, the town clerk-treasurer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a 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 subsection 11-1-9B of this chapter.
	3. Information To Be Obtained And Maintained:
		1. 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.
		2. 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 subsection 11-1-8B3 of this chapter.
	4. Alteration Of Watercourses:
		1. Notify adjacent communities and the EMO prior to any alteration or relocation of a watercourse, and submit any evidence of such notification to the federal emergency management agency.
		2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
	5. Interpretation Of FHBM 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 filed conditions).

**11-1-8: DEVELOPMENT PERMIT:**

1. Permit Required: A development permit shall be obtained before construction or development begins within any area of special flood hazard established in subsection 11-1-6B of this chapter.
2. Application: Application for a development permit shall be made on forms furnished by the town clerk-treasurer 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:
	1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
	2. Elevation, in relation to mean sea level, to which any structure has been floodproofed;
	3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 11-1-9B of this chapter; and
	4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**11-1-9: PROVISIONS FOR FLOOD HAZARD REDUCTION:**

1. General Standards: In all areas of special flood hazard, the following standards are required:
	1. Anchoring:
		1. 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.
		2. All manufactured homes must be elevated and anchored to resist flotation, 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 (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty feet (50’) long requiring one additional tie per side.
			2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty feet (50’) long requiring four (4) additional ties per side;
			3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds, and
			4. Any additions to the manufactured home be similarly anchored.
	2. Construction Materials And Methods:
		1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
		2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
		3. 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.
	3. Utilities:
		1. All new replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
		2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
		3. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
	4. Subdivision Proposals:
		1. All subdivision proposals shall be consistent with the need to minimize flood damage;
		2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
		3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
		4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.
	5. Encroachments: Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
2. Specific Standards: In all areas of special flood hazard where base flood evaluation data has been provided as set forth in subsection 11-1-7B2 of this chapter, the following standards are required:
	1. Residential Construction: New construction and substantial improvements of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.
	2. Nonresidential Construction: New construction and substantial improvements 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:
		1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
		2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effect of buoyancy; and
		3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standard of practice for meeting the provisions of this section. Such certifications shall be provided to the official as set forth in subsection 11-1-7B3b of this chapter.

**11-1-10: WARNING AND DISCLAIMER OF LIABILITY:**

The degree of flood protection required by this chapter 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 manmade or natural causes. This chapter 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 chapter shall not create liability on the part of town of Dixon, any officer or employee thereof, or the federal emergency management agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

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