ORIGINAL ORDINANCE NO. 333 INTRODUCED BY:

AN ORDINANCE AMENDING 8.24.010 and 8.24170 OF MUNICIPAL CODE OF THE TOWN OF HANNA ESTABLISHING NUISANCES AND REPEALING SECTION 17.48.120 OF THE HANNA MUNICIPAL CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF HANNA, WYOMING:

Section 1. **Section 17.48.120 of the Hanna Municipal Code is hereby repealed.**

Section 2. **Section 8.24.010 of the Hanna Municipal Code is hereby amended to read as follows:**

8.24.10 Nuisance Defined

The various nuisances described and enumerated in this section shall not be deemed to be exclusive, but shall be in addition to all other nuisances described and prohibited in this code.

A. Obnoxious, Offensive Odors. The emission of obnoxious and offensive odors; the tainting of the air rendering it offensive and/or unwholesome so as to affect the health or comfort of persons residing in the neighborhood thereof, shall constitute a public nuisance.

B. Discharging of Offensive Matter. The placing, throwing or discharging from or out of any house or premises, of any filthy, foul or offensive matter, liquid or effluent of any kind, into any street, alley or public place, or upon any adjacent lot or ground, shall constitute a public nuisance.

C. Water Pollution. The obstruction or pollution of any watercourse or source of water supply in the Town.

D. Stagnant Water. Any stagnant pool of water in the Town

E. Emission of Dense Smoke. The emission of dense smoke from any fire, chimney, engine, oil burner or other agency in the Town so as to cause annoyance or discomfort to the public. For the purpose of testing and grading the density of smoke the Ringelmann Smoke Chart as published and used by the United States Geological Survey shall be the standard for such grading, and smoke shall be defined as and declared to be dense when it is of a degree of density of number three of the chart, or greater, for more than six minutes in any one hour, whether such period of time is consecutive or not.

F. Certain Weeds. Weeds determined to be noxious by the Wyoming Weed and Pest Council, any weeds such as jimson, burdock, ragweed, thistle, cocklebur or other weeds of a like kind found growing in any lot or tract of land in the Town.

G. Maximum Height Permitted. Any weeds, grass or plants, other than trees, bushes, flowers or other ornamental plants, growing to a height exceeding eight inches anywhere in the Town except naturally occurring plant life in undeveloped areas of the Town.

H. Abandoned, Junked, etc., Vehicles. Unlicensed, abandoned or junk vehicles and parts or remains thereof parked upon private property, public property, public streets, alleys or ways are declared to be nuisances unless an exemption exists under Paragraph D herein. The presence of an unlicensed vehicle, abandoned, wrecked, dismantled, derelict or inoperative vehicle, on private or public property, that is declared to constitute a public nuisance may be abated as such in accordance with the provisions of this chapter.

1. The tearing down, stripping or junking of such vehicles shall be permitted only where and when such use is specifically authorized, permitted or licensed under other ordinances of the Town and in strict accordance therewith; or which use is conducted entirely within the confines of an accessory garage building or behind a fence as defined in Paragraph D (1) herein, then only provided that such vehicle is the property of the owner or occupier of the lot and that such use is not a commercial use of the property, unless such use is authorized by other ordinances of the Town.

2. A vehicle shall be deemed to be "abandoned" under any of the following circumstances; provided, however, that a vehicle left unattended due to adverse road or weather conditions, acts of God, or mechanical difficulties shall not be deemed to be abandoned for the period required to see the passage of the conditions or a reasonable time to remove the vehicle for repairs:

a. If the vehicle is left unattended on a public street, highway, alley, parking lot or other public property within the jurisdictional limits of the Town for more than twenty-four hours after a notice to impound has been placed upon the vehicle pursuant to the provisions of Section 8.16.030 and the vehicle has been impounded and the notice of impound has been given pursuant Wyoming Statues § § 31-13-101, et seq.;

b. If the vehicle has been left unattended on private property without the consent of the owner or person in lawful possession thereof.

3. **Derelict Vehicles**. A vehicle, or parts thereof, shall be deemed to be "derelict" if the vehicle is

a. Inoperable to the extent that it is unable to perform its original intended function;
b. Partially or wholly dismantled;
c. Wrecked to the extent that prevents legal operation;
d. Junked or intended to be recycled or scrapped;
e. An unlicensed vehicle

4. **Exemptions**. This section defining derelict and abandon vehicles shall not apply to the following:

a. A vehicle that is enclosed in a secure building or sheltered. "Unsheltered" means located outside a garage or other building and visible upon any public street, alley, sidewalk or right-of-way or any adjoining piece of property. Items stored entirely within an enclosed garage, covered or completely shielded by a fence and not visible from the street or other public or private property shall be considered to be sheltered whether or not the garage doors or fence are open from time to time;

b. A vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of the business enterprise;

c. A vehicle in an appropriate storage or depository facility maintained in a lawful place and manner by a governmental agency;

d. An antique motor vehicle as defined in W.S. 31-2-210 which is licensed as provided by law.

e. A vehicle which is securely covered or covered by custom car cover.

1. In no instance may a person have more than four (4) such covered vehicles unsheltered on his or her property.

2. No covered vehicle may be stored on public property or right-of-way.

f. A race car that is currently actively engaged in racing and equipped for racing with roll cage, motor, windows removed, drivers name, sponsors and number displayed. There is a limit of four (4) race cars on his or her property. Demolition cars are not considered race cars for purposes of this chapter. Demolition cars shall be considered derelict vehicles two weeks after the demolition derby.

I. Junk. Any iron, glass, weeds, metal, lumber, stumps, grass, trash, straw, hedge trimmings, cut tree branches, paper, cordage, cloth, construction debris building material not intended for immediate use or other waste or discarded material of any nature or substance whatsoever or any scrap or salvage materials which are left or permitted to remain for any unreasonable period of time upon any real property within the Town or any Town property within or without the corporate limits of the Town or upon or within the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel shall constitute a nuisance.

J. Foul, Offensive Conditions. Any cellar, vault, private drain, pool, privy, sewer or grounds upon any premises owned or occupied by any person which becomes nauseous, foul, offensive or injurious to the public health, or any grounds or other premises in such

condition as to be offensive and/or unwholesome to the neighborhood shall constitute a nuisance

K. Any refrigerator or freezer, electronic equipment or appliances which is not being utilized for it's intended use.

L. Light sources facing neighboring property.

1. No artificial lighting shall shine directly upon any neighboring property or be so established that it shall shine directly upon any neighboring property or shall shine directly on or into any room or rooms, porches or patios of any neighboring structure or property as to be a nuisance. Nor shall any artificial lighting be maintained or operated from any structure or land in such a way as to be a nuisance to neighboring properties or as to impair vision through inordinate glare.

2. Exterior lighting facing neighboring property shall be hooded or shielded so that it does not produce an objectionable or inordinate glare on the neighboring property.

3. Any prohibited lighting now in existence, in connection with a permitted use or granted variance or in connection with a valid nonconforming use, which violates or does not conform to the provisions hereof shall be altered, removed or replaced in conformity with the provisions hereof.

4. The following are exempt from the provisions of this ordinance:

A. Traffic control signals and devices;
B. Street lights installed prior to the effective date of this ordinance;
C. Temporary emergency lighting (i.e. fire, police, repair workers);
D. Moving vehicle lights;
E. Navigation lights (i.e. airports, heliports, radio/television towers);
F. Lighted signs that conform with the Town's sign ordinance;
G. Seasonal decorations with individual lights in place;
H. Sports field outdoor lighting (i.e. ball fields, football, soccer, ice rink, etc.);
I. Other special situations approved by the Town for temporary or periodic events (i.e. rodeos, revivals, fairs, fiestas, carnivals, night-time construction);
J. Covered porch lighting on single-family or multi-family homes;
K. Security lights of any wattage that are controlled by a motion-sensor switch.

Section 3. Section 8.24.170 of the Hanna Municipal Code is hereby created to read as follows:

Section 8.24.170 Redemption of impounded vehicles.

The owner of any vehicle seized under the provisions of this article may redeem such motor vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the city treasurer of such sum as he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, plus twenty dollars per day for storage for each motor vehicle redeemed.

Section 4. Repealer. All ordinances or part of ordinances in conflict herewith are hereby repealed.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance or application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

Section 6. This ordinance shall become effective after passage, approval and publication.

PASSED AND APPROVED THIS 20rh DAY OF May, 2010.

Rick Kinder, Mayor of the Town of Hanna, Wyoming

ATTEST:

Penny Parr
Town Clerk

First Reading: April 16, 2010
Second Reading: April 30, 2010
Third Reading: May 20, 2010

ATTESTATION

I, Penny Parr, the Clerk of the Town of Hanna, Wyoming, do hereby attest and state that the above ordinance was published/posted in the manner required by law and that all procedures required by Wyoming State law were complied with.

By: Penny Parr
Penny Parr, Town Clerk