

**HUDSON, WYOMING  
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## ***GENERAL PROVISIONS***

### **§ 10.01 HOW CODE DESIGNATED AND CITED.**

The ordinances embraced in this chapter and the following chapters and sections shall constitute and be designated as the “Code of the Town of Hudson,” and may be so cited.  
(Prior Code, § 1-1)

### **§ 10.02 DEFINITIONS, RULES OF CONSTRUCTION.**

In the construction of this code and of all ordinances of the municipality, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the governing body or the context clearly requires otherwise.

**ADMINISTRATIVE OFFICIAL.** The board, commission, committee, officer, agent, or employee of the municipality charged by the governing body with the administration, enforcement, or both the administration and enforcement of the particular provisions of this code in which the term is used.

**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 a legal holiday.

**COUNTY.** The County of Fremont, in the State of Wyoming, in which the municipality is located.

**GENDER.** Words importing the masculine gender shall include the feminine and neuter.

**GOVERNING BODY.** The elected legislative body of the municipality.

**IN THE MUNICIPALITY; IN THE CORPORATE LIMITS OF THE MUNICIPALITY.** Any territory within the corporate limits of the municipality, the police jurisdiction thereof, and any other territory over which regulatory power has been conferred on the municipality by general or special act.

**JOINT AUTHORITY.** All words giving a joint authority to three or more persons shall be construed as giving such authority to a majority of such persons.

**MONTH.** A calendar month.

**MUNICIPALITY.** The Town of Hudson, State of Wyoming, enacting the section in which the word **MUNICIPALITY** is used.

**NUMBER.** Words used in the singular include the plural and words used in the plural include the singular.

**OATH.** 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**.

**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 a part of such building or land and shall include any agent of such **OWNER**, and where such **OWNER** is a body corporate, it shall include the management agent or officer within the municipality.

**PERSON.** Includes a firm, partnership, association of persons, corporation, organization, or any other group acting as a unit, as well as an individual.

**PERSONAL PROPERTY.** Includes every species of property, except real property.

**PRECEDING, FOLLOWING.** Next before and next after, respectively.

**PROPERTY.** Includes real and personal property.

**REAL PROPERTY.** Includes lands, tenements, and hereditaments.

**SHALL, MAY.** The word **SHALL** is mandatory, and the word **MAY** is permissive.

**SIDEWALK.** Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

**STATE.** The State of Wyoming.

**STATE LAW.** The Wyoming Statutes of 1977, as amended.

**STREET.** Includes public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges, and the approaches thereto, and all other public thoroughfares in the municipality.

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

**TENSE.** Words used in the past or present tense include the future as well as the past and present.

**TOWN.** The Town of Hudson, Wyoming.

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

**WYO. STAT.** Wyoming Statutes.

**YEAR.** A calendar year.  
(Prior Code, § 1-2)

### **§ 10.03 CATCHLINES; HEADINGS.**

The catchlines of the sections and the headings of chapters, subchapters, sections, and divisions of this code are intended as mere catchwords to indicate the contents of the chapters, subchapters, sections, and divisions, and shall not be deemed or taken to be titles of such chapters, subchapter, sections, and

divisions, nor as any part of any section nor, unless expressly so provided, shall they be so deemed when any chapter, subchapter, section, or division, including its catchline or heading, is amended or reenacted. (Prior Code, § 1-3)

#### **§ 10.04 SEVERABILITY.**

If for any reason any chapter, subchapter, section, division, sentence, clause, or phrase of this code, or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this code. (Prior Code, § 1-4)

#### **§ 10.05 ACTIONS FOR PENALTIES OR FINES.**

(A) *To be brought in corporate name.* All actions brought to recover any penalty or fine shall be brought in the corporate name of the municipality.

(B) *Disposition of recoveries.* The recoveries, when collected, shall be paid into the treasury of the municipality. (Prior Code, § 1-6)

### ***ORDINANCES***

#### **§ 10.20 AMENDMENT, REPEAL OF ORDINANCES.**

The amendment or repeal of existing provisions of this code, or the insertion of additional provisions in this code, shall be done in the following manner.

(A) Ordinances amending existing sections shall designate, by section number, the sections which are affected and set out in full the new language of each such section.

(B) Ordinances repealing existing sections shall designate, by section number, the section which are repealed.

(C) (1) Ordinances adding sections to the code shall designate where such sections are to be inserted.

(2) Nothing in this division (C) of this section shall be interpreted as prohibiting the rearrangement of such additional materials by the official codifier of the municipality's ordinances in order to ensure the proper codification of such ordinances.

(Prior Code, § 2-34)

#### **§ 10.21 REPEAL OF REPEALERS.**

The repeal of an ordinance which repeals a former ordinance or provisions of this code shall not revive the former ordinance or provisions of this code unless expressly so provided.

(Prior Code, § 2-35)

#### **§ 10.22 NUMBERING.**

Each ordinance passed by the governing body shall be systematically identified by a number assigned to such ordinance pursuant to a systematic numbering system adopted by the governing body. The numbering system so adopted shall reflect the sequence of adoption of all the municipality's ordinances from the implementation of such numbering system, and shall assign a particular number to only one ordinance.

(Prior Code, § 2-36)

#### **§ 10.99 GENERAL PENALTY.**

(A) (1) Whenever in this code, or in any ordinance, rule, or regulation promulgated by any officer or agency of the town under authority vested in him or her or it by law, this code or other ordinance of the town, any act is prohibited, or declared to be unlawful, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provisions of this code or any such ordinance, rule, or regulation shall constitute a misdemeanor and shall be punished by a fine of not more than \$750 and costs of prosecution as provided by law.

(2) Except as otherwise provided, each day any violation of this code or any ordinance or any rule or regulation promulgated by any officer or agency of the town under authority vested in him or her by law, this code, or other ordinance of the town continues shall constitute a separate offense.

(Prior Code, § 1-5)

(B) (1) The Municipal Court for the town shall use the Uniform Bail and Forfeiture Schedules adopted by the State Supreme Court for all traffic offenses under the Uniform Act Regulating Traffic which the town has adopted. The Uniform Bail and Forfeiture Schedules are located as Appendix I, Appendix to Rule 3.1, W.R.Cr.P.

## Hudson - General Provisions

(2) For other offenses not covered by the Uniform Bail and Forfeiture Schedules, the following bond schedule shall be used.

| <i>Miscellaneous Offenses</i>                    | <i>Bond</i>                  |
|--------------------------------------------------|------------------------------|
| Dog running at large (§§ 92.01, 92.21)           |                              |
| First offense                                    | \$50                         |
| Second offense                                   | \$75                         |
| Third offense                                    | \$100                        |
| Fourth offense                                   | \$150                        |
| Fifth and subsequent                             | Judge's discretion           |
| Harboring vicious dogs (§ 92.23)                 | \$150                        |
| Minor frequenting bar (§ 110.02(A))              | \$100                        |
| Public intoxication/open bottle (§ 110.02(C))    | <del>\$60</del> <b>\$110</b> |
| Sale, furnishing alcohol to minors (§ 110.02(B)) | \$150                        |
| Transient merchant (Chapter 111)                 | \$200                        |
| Unregistered dog (§ 92.38)                       | \$25                         |

(Ord. 815, passed 1-13-2004; Ord. 822, passed 11-8-2005)

## **CHAPTER 11: TOWN STANDARDS**

### **Section**

#### **11.01 Municipal seal**

#### **§ 11.01 MUNICIPAL SEAL.**

(A) The official seal of the municipality shall be as described by the governing body of the municipality.

(B) The municipal seal shall be affixed to all vouchers, licenses, contracts, deeds, resolutions, ordinances, minutes of the governing body, and all other papers which are signed by the Mayor and attested by the Town Clerk/Treasurer.

(Prior Code, § 1-7)



### **TITLE III: ADMINISTRATION**

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- 30. TOWN COUNCIL**
- 31. TOWN OFFICIALS**
- 32. ORGANIZATIONS**



## **CHAPTER 30: TOWN COUNCIL**

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#### ***MEETINGS***

### **§ 30.01 MEETINGS GENERALLY.**

(A) All meetings of the governing body and all other boards, commissions, and agencies of the municipality shall be open to the public at all times, except as provided in §§ 30.02 and 30.03. No action of such a body shall be taken except during a public meeting.

(B) A member of the public shall not be required, as a condition of attendance at any meeting, to register his or her name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his or her attendance, except that a person seeking recognition may be required to give his or her name and affiliation.

(Prior Code, § 2-1)

### **§ 30.02 EXECUTIVE SESSIONS.**

Executive sessions, not open to the public, of the governing body and all other boards, commissions, and agencies of the municipality may be held:

(A) With the prosecuting attorney, Municipal Attorney, 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;

(B) 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 governing body 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 governing body may deliberate on its decision in executive sessions;

(C) On matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party;

(D) When the agency is a licensing agency while preparing, administering, or grading examinations;

(E) 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;

(F) To consider acceptance of gifts, donations, and bequests which the donor has requested, in writing, be kept confidential;

(G) To consider or receive any information classified as confidential by law; and

(H) To consider accepting or tendering offers concerning wages, salaries, benefits, and terms of employment during all such negotiations.

(Prior Code, § 2-2)

### **§ 30.03 DISRUPTION.**

If any public meeting is willfully disrupted by a person or group of person 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 removal of such person or group from the meeting room may be ordered and the meeting continued, or the meeting may be recessed and reconvened at another location. Only matters appearing on the agenda may be acted upon in a meeting recessed to another location. Procedures for readmitting an individual or individuals not responsible for disturbing the conduct of a meeting shall be established by the body conducting such 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.

(Prior Code, § 2-3)

**§ 30.04 DATE, TIME OF REGULAR MEETINGS.**

Regular meetings of the governing body are held each month on the second Tuesday of each month and at the time designated by the governing body; provided, that in all instances that such day is observed as a legal holiday for municipal offices, the regular meetings of the governing body shall be held on the following day.

(Prior Code, § 2-29)

**§ 30.05 SPECIAL MEETINGS.**

Special meetings of the governing body may be called from time to time by the presiding officer of the governing body or any two members of the governing body. The subject for the special meeting shall be submitted to the governing body in writing, and the disposition thereof entered upon the journal of the governing body by the Clerk/Treasurer of the municipality. The action of the governing body at each special session shall be confined to the subject submitted in writing to the governing body.

(Prior Code, § 2-30)

**§ 30.06 ADJOURNED OR RECESSED MEETINGS.**

Adjourned or recessed meetings of the governing body may be held at such time as the governing body may determine.

(Prior Code, § 2-31)

**§ 30.07 PRESIDING OFFICER.**

The Mayor shall preside at all meetings of the governing body; provided, that in absence of the Mayor, the member of the governing body appointed by the governing body as the Mayor Pro Tem shall preside.

(Prior Code, § 2-32)

**§ 30.08 DUTIES OF CLERK/TREASURER AS TO JOURNAL.**

It shall be the duty of the Clerk/Treasurer of the municipality to keep the journal of the governing body. The Clerk/Treasurer shall, within 48 hours after the adjournment of any regular or special meeting of the governing body, post a copy of the proceedings of such meeting in accordance with state statute. Such copy shall include every bill presented to the governing body showing the amount of the bill, the amount allowed, what the bill was for, and by whom claimed. In addition the Clerk/Treasurer shall be

responsible for the safekeeping of such journal and providing for the exhibition of such journal to the public when so requested.

(Prior Code, § 2-33)

## **CHAPTER 31: TOWN OFFICIALS**

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**GENERAL PROVISIONS****§ 31.01 OATH.**

Every person elected or appointed to a town office shall, unless otherwise provided, before entering upon the duties of his or her office, make, and subscribe an oath before a proper officer that he or she will support the Constitution of the United States and the Constitution of the state, and will faithfully perform the duties of his or her office.

(Prior Code, § 2-4)

**§ 31.02 BONDS; APPROVAL, FILING COPY OF; CONDITIONS; AMOUNT.**

(A) Official bonds, ~~when such shall be required of any town officer~~, shall be made to the town and shall be conditioned, when not otherwise prescribed, for the faithful performance by the officer of all acts and duties required by him or her in his or her office by any law of the state or ordinance of the town existing at the date of the bond or subsequently passed, and for the care and disposition of the corporate funds in his or her hands according to law.

(Prior Code, § 2-5)

(B) Every bond of a town officer shall be presented to the Town Council for its approval of the security therein. If such approval is obtained, the Town Clerk/Treasurer shall file a copy of such bond.

(Prior Code, § 2-6)

(C) Every town officer shall, before entering upon the duties of his or her office, enter into a bond with sufficient surety, to be approved by the Town Council, to the town, conditioned that he or she will faithfully perform and impartially perform all of the duties of his or her office, as prescribed by law, and the ordinances of the town, and that he or she will safely keep all monies which come into his or her hands by virtue of his or her office, that he or she will promptly pay over to the proper person legally authorized to receive the same, all such monies, in the manner provided by law and the provisions of this code and other ordinances of the town, and that he or she will deliver over to his or her successor in office, all monies and property held by him or her as such officer. The conditions herein mentioned shall be a part of the bonds given, whether expressly expressed therein or not. Such bond shall be in penal sums as mentioned in division (D) below.

(Prior Code, § 2-7)

(D) The penal sums of the bonds mentioned in division (C) above shall be in the amounts for the respective offices as follows:

(1) The Town Clerk/Treasurer, who shall be the ex officio Town Treasurer and ex officio Water Commissioner, in the sum prescribed by the Town Council in accordance with state law;

(2) The Chief of Police, in a sum prescribed by the Town Council; and

(3) The police justice, in a sum in accordance with state law.

(Prior Code, § 2-8)

**§ 31.03 DELIVERY OF BOOKS, AND THE LIKE, TO SUCCESSOR.**

Every town officer shall, upon going out of office, deliver to his or her successor all books, papers, furniture, and other things appertaining to his or her office.

(Prior Code, § 2-9)

**§ 31.04 INSPECTION OF BOOKS, PAPERS.**

Every town officer shall, at all times when required, submit the books and papers of his or her office for the inspection of the Mayor or any member of the Town Council.

(Prior Code, § 2-10)

**§ 31.05 REMOVAL, GROUNDS; HEARING; VOTING; RECORDING.**

(A) Any town officer guilty of a willful violation of his or her official obligations of culpable official negligence, dereliction of duty, or conduct inconsistent with his or her official character shall be subject to removal from office.

(Prior Code, § 2-11)

(B) The procedure governing the removal of town officers shall be in conformity with the Administrative Procedure Act, being §§ 16-3-101 et seq.

(Prior Code, § 2-12)

(C) (1) At the time and place set for the hearing of charges against a town officer, the Town Council shall meet and proceed to hear the evidence against and for the accused, adjourning from time to time as may be necessary until all the evidence shall be given.

(2) Upon any hearing of charges against a town officer, the accused shall be heard by himself or herself, or counsel in his or her defense.

(Prior Code, § 2-13)

(D) Within three days after the evidence shall have been taken on charges against a town officer, the Town Council shall vote by yeas and nays upon each charge and specification separately, and the question upon each charge shall be "Is the accused guilty?" If the Council, by a lawful number, finds the

accused guilty of any of the specified charges, it may resolve that he or she be removed from office and such office shall be deemed vacant.

(Prior Code, § 2-14)

(E) The proceedings of the Town Council on charges against a town officer shall be entered at large upon its record.

(Prior Code, § 2-15)

### § 31.06 VACANCIES.

(A) *Vacancies in elective office generally.*

(1) A vacancy exists in the office of Mayor or Council member if during the term for which elected any Mayor or Council member:

(a) Fails the residency requirements for the office;

(b) Is convicted of a felony;

(c) Fails to attend four or more consecutive regularly scheduled meetings of the Council without an excused absence as determined by a majority of the Council according to procedures adopted pursuant to division (C) below;

(d) Dies;

(e) Resigns;

(f) Is determined by a court having jurisdiction to be insane or mentally incompetent;

(g) Is disqualified from holding office for any reason specified by law;

(h) Is convicted of a crime involving moral turpitude or constituting a breach of his or her oath of office;

(i) Refuses to take the oath of office or to give or renew an official bond if required by law;

(j) Has his or her election voided by court decision; and/or

(k) Any other reason provided by state law.

(2) A vacancy exists in an elective office if, upon expiration of the term for which a person was elected a successor, has not been elected and qualified.

(B) *Determination of vacancy.* Except for vacancies occurring due to death, written resignation, or filling the vacant office of Mayor, upon receipt of reliable information that a vacancy may exist in the office of Mayor or Council member of the town, the Town Council, in regular or special meeting called for the purpose, shall immediately set a date not earlier than two weeks from such regular or special meeting for consideration of the question, "Does a vacancy exist in the office of \_\_\_\_\_?" The incumbent in such office shall be given notice of such meeting and its purpose by certified mail, if the incumbent's address is known, or by publication in a newspaper of general circulation within the county if the incumbent's address is not known. The Council shall hear such evidence as may be presented to it, including such relevant evidence as the incumbent may choose to present, and following presentation of evidence shall determine by majority vote whether or not a vacancy exists. A vacancy created by the death or written resignation of an elective officer may be declared by majority vote of the Town Council immediately upon receipt of the written resignation or notice of death, and in the case of a written resignation may be deemed to come into existence at a future time if such time is specified in the written resignation. At such time as a vacancy through resignation is determined to exist, presently or prospectively, such resignation may not be withdrawn. A vacancy created in the office of a Council member through the filling of the vacant office of Mayor shall be deemed to exist immediately upon the filling of such vacant office of Mayor.

(C) *Filling vacant elective offices.* Upon determination of a vacancy in an elective office, the Town Council shall fill such office by majority vote of the Town Council, and after such steps as it may adopt by motion following determination of such vacancy. A vacancy deemed to exist at a future time due to resignation may be filled prospectively. A vacancy in the office of Mayor shall be filled only from the members of the Town Council. Any other vacancy may be filled by any qualified elector of the town. Any person selected to fill any vacancy under this section shall serve until the next regular municipal election for the town.

(Ord. 797, passed 1-6-1998)

## **TOWN ATTORNEY**

### **§ 31.20 QUALIFICATIONS; APPOINTMENT.**

An attorney who has been regularly admitted to practice law in the state shall be appointed Town Attorney by the Mayor, by and with the consent of the Council, such appointment shall be made at the first regular meeting of the Council after the election of the town officers and from time to time of the occurrence of any vacancy in office.

(Prior Code, § 2-16)

**§ 31.21 TERM OF OFFICE.**

(A) The Town Attorney shall hold his or her office for the term of one year from and after the date of such appointment.

(B) Provided, that when such appointment shall be made to fill an unexpired term caused by the vacancy in such office, such incumbent shall hold his or her office during such unexpired term.  
(Prior Code, § 2-17)

**§ 31.22 DUTIES.**

(A) (1) It shall be the duty of the Town Attorney to prepare and submit in writing to the Town Council all ordinances, notices, resolutions, communications, legal documents, or legal opinions, when requested so to do by the Mayor or members of the Council, and he or she shall, upon request, give such legal advice to such other officers as may touch their respective duties or liabilities.

(2) The Town Attorney shall appear for the town and prosecute all persons charged before the police justice with a violation of any provision of this code or other ordinance, and prosecute all persons charged before the police justice with a violation of any provision of this code or other ordinance, and prosecute for or defend the town, as the case may be, in all cases to which it may be a party, and render such other professional services as may be required of him or her by the Mayor or Town Council.

(B) (1) It shall be the further duty of the Town Attorney, whenever he or she shall have knowledge of the violation of any of the ordinances of the town, or whenever he or she shall receive written information from any person who shall desire to and does make verified complaint in writing of the violation of any of the ordinances of the town, to file complaint in writing of the violation with the police justice, charging the violation of such ordinance, which complaint shall be verified by the oath of the Town Attorney, the complainant, prosecuting witness, or other person; provided, that when such complaint is verified by the Town Attorney, it shall be sufficient if the verification shall be upon information and belief, and, when such information shall have been filed, the Town Attorney shall appear and prosecute, and it shall be the duty of the Chief of Police or other police officer, when requested so to do by the Town Attorney, to give all possible assistance in the gathering of evidence and the presentation of same before the police justice.

(2) Provided, that nothing contained herein shall be deemed in any way to limit or curtail the authority and the duties of the Chief of Police or other police officer from making arrest upon view or otherwise, as by law, provided.  
(Prior Code, § 2-18)

***TOWN CLERK/TREASURER***

**§ 31.35 APPOINTMENT.**

The Mayor, by and with the consent of the Town Council, shall appoint a Town Clerk/Treasurer at the first meeting of the Town Council to be held on the 2<sup>nd</sup> Tuesday in January of each year.  
(Prior Code, § 2-19)

**§ 31.36 TERM OF OFFICE.**

The Town Clerk/Treasurer shall hold office for a term of one year, unless sooner removed, and until his or her successor is appointed and qualified.  
(Prior Code, § 2-20)

**§ 31.37 DUTIES.**

It shall be the duty of the Town Clerk/Treasurer to:

- (A) Keep the corporate seal, papers, and books belonging to the town;
  - (B) Attend all regular and special meetings of the Town Council and to keep an accurate journal of its proceedings;
  - (C) Keep a record of all of the ordinances passed by the Council;
  - (D) Issue all licenses authorized by this code and other ordinances of the town;
  - (E) Attest all warrants, bonds, and licenses, except gas, sewer, building, and water permits issued in pursuance of the orders and ordinances of the Town Council and to affix the corporate seal thereto;
  - (F) Keep an account, in a suitable book, under appropriate headings, of all funds drawn on the treasury, and an account of all licenses issued, showing the date and amount thereof, and to make a monthly report thereof in writing to the Town Council; and
  - (G) Perform all other duties required of him or her by law, this code, or other ordinances of the town.
- (Prior Code, § 2-21)

**§ 31.38 EX OFFICIO TREASURER OFFICIALLY.**

(A) (1) The Town Clerk/Treasurer shall be ex officio Town Treasurer.

(2) As the Town Treasurer, he or she shall keep in a day book, journal, and ledger, or other proper books, a full and accurate account of all monies received and disbursed by him or her in behalf of the town, specifying the time of receipt and disbursement, from whom received and to whom disbursed, and on what account received and disbursed. He or she shall pay no money from the treasury except upon order, to be drawn for the amount appropriated.

(B) The Town Clerk/Treasurer shall supervise the billing and collection of all utility service charges and fees and shall maintain appropriate journals and records.

(C) The Clerk/Treasurer shall have, at each regular meeting of the Council, a statement in writing of the amount of the different funds in the treasury and the amount of receipts and disbursements thereof. (Prior Code, § 2-22)

**§ 31.39 COLLECTION OF WATER RENTS AND RECORDS THEREOF.**

(A) The Town Clerk/Treasurer, as Water Commissioner, shall have charge of the collection of the water rents from the town water system.

(B) He or she shall keep a proper record, in books supplied for that purpose, of all water rents received, the amount due from each water user, and shall attend to the collection of all water rents.

(C) He or she shall have the authority to order the water shut off, by the Water Supervisor, from a water user when the user shall have become delinquent in his or her water rent. (Prior Code, § 2-23)

***DEPUTY TOWN CLERK/TREASURER*****§ 31.50 APPOINTMENT.**

The Mayor, by and with the consent of the Council, shall appoint a Deputy Town Clerk/Treasurer or Clerk/Treasurers at the first meeting of the Council to be held on the first Tuesday in January of each year.

(Prior Code, § 2-24)

**§ 31.51 TERM OF OFFICE.**

The Deputy Town Clerk/Treasurer or Deputy Clerk/Treasurers shall hold office for a term of one year, unless sooner removed, and until his or her successor is appointed and qualified.

(Prior Code, § 2-25)

**§ 31.52 DUTIES GENERALLY.**

It shall be the duty of the Deputy Town Clerk/Treasurer or Deputy Clerk/Treasurers to assist the Town Clerk/Treasurer to properly administer the affairs of the office.

(Prior Code, § 2-26)

**§ 31.53 EX OFFICIO DEPUTY TREASURER AND DEPUTY WATER COMMISSIONER.**

The Deputy Town Clerk/Treasurer or Deputy Clerk/Treasurers may be appointed ex officio Deputy Town Clerk/Treasurer and ex officio Deputy Water Commissioner upon resolution by the Town Council.

(Prior Code, § 2-27)

***SEXTON*****§ 31.65 APPOINTMENT; TERM; SALARY; DUTIES.**

(A) The governing body of the municipality shall appoint a Sexton of the municipal cemetery for such term and at such salary as the governing body of the municipality shall determine.

(B) The Sexton of the municipal cemetery shall be responsible for the management and operation of the municipal cemetery. The Sexton shall have the authority to make a list of rules and regulations governing the operation of the cemetery with the prior approval of the governing body. The rules and regulations, as approved by the governing body, shall be posted at the Town Hall.

(Prior Code, § 2-28)

***Cross-reference:***

*Cemeteries, see Chapter 91*



## CHAPTER 32: ORGANIZATIONS

### Section

#### *Planning and Zoning Commission*

- 32.01 Establishment
- 32.02 Terms of Commission members
- 32.03 Duties of Planning and Zoning Commission
- 32.04 Meetings

#### **PLANNING AND ZONING COMMISSION**

##### **§ 32.01 ESTABLISHMENT.**

Town Council  
There is hereby established a Planning and Zoning Commission of the town, consisting of three persons appointed by the Mayor with the approval of the Town Council. One additional person shall be designated by the ~~Mayor~~ as an ex officio member of the Planning and Zoning Commission to assist the Planning and Zoning Commission in its duties. All members shall serve without compensation, except for reasonable expenses, and with full powers to act pursuant to state statutes.  
(Ord. 790, passed 4-8-1997)

##### **§ 32.02 TERMS OF COMMISSION MEMBERS.**

Each appointed member shall serve for three years, with staggered initial terms of one for one year, two for two years. The ex officio member shall serve at the pleasure of the Mayor.  
(Ord. 790, passed 4-8-1997)

##### **§ 32.03 DUTIES OF PLANNING AND ZONING COMMISSION.**

The Planning and Zoning Commission shall perform the following duties:

(A) Take such steps, including gathering information and holding public hearings, necessary to create, adopt, and certify to the Town Council a master plan for the development of the town, including within such plan a major street plan and such additional components as may be necessary for the efficient planning of the development of the town or as required by state law;

(B) Make such additional reports and recommendations concerning the master plan, the major street plan, or any other issue of planning and zoning, as requested by the Mayor or the Town Council, deemed appropriate by the Commission, or as required by state law or ordinance of the town;

(C) Consider each subdivision plat proposed for lands within the planning jurisdiction of the town, and following such consideration, either certify its approval to the Town Council in writing upon the plat, recommend changes to the plat, or recommend rejection of the plat;

(D) Prepare a preliminary report of suggested boundaries of zoning districts within the jurisdiction of the town, and appropriate regulations to be enforced therein, hold public hearings upon such preliminary report, and following such hearings, recommend in a final report boundaries of zoning districts within the jurisdiction of the town, and appropriate regulations to be enforced therein;

(E) Perform such additional duties as the town may from time to time by ordinance prescribe; and

(F) Adopt such rules and regulations as may be necessary for the efficient performance of its duties.  
(Ord. 790, passed 4-8-1997)

#### **§ 32.04 MEETINGS.**

The Planning and Zoning Commission shall meet no less than once every other month, and shall prescribe in its rules regular meeting times. Additional meetings may be held at the call of the Chairperson of the Commission or by any two members.  
(Ord. 790-A, passed 2-2-1998)

## **TITLE V: PUBLIC WORKS**

### **Chapter**

**50. WATER**

**51. SEWAGE**

**52. TRASH AND REFUSE**



## **CHAPTER 50: WATER**

### **Section**

#### ***General Provisions***

- 50.01 Definitions
- 50.02 Reservation of rights by municipality
- 50.03 Promulgation of rules, regulations by administrative official
- 50.04 Agreement to rules, regulations prerequisite to commencement of service
- 50.05 Records, reports of administrative official
- 50.06 Fire hydrants, repair, testing; opening, operating
- 50.07 Damaging utility's property, equipment, and the like
- 50.08 Trespassing, interference with utility's property, and the like
- 50.09 Depositing material in utility which will obstruct, pollute, and the like, the water
- 50.10 Restrictions on use
- 50.11 Discontinuance of service; failure to comply with regulations; failure to pay charges
- 50.12 Extension outside corporate limits; authority of governing body; required findings prerequisite

#### ***Connections***

- 50.25 Only municipal employees allowed to turn on water to premises; exceptions
- 50.26 Unauthorized taps; compliance with permit; costs
- 50.27 Permit, required; types issued; application; issuance, contents
- 50.28 Payment of charges
- 50.29 All plumbing to be inspected and approved
- 50.30 Required for occupied land within 200 feet of public water; exceptions

#### ***Service Lines***

- 50.45 Installation and new construction, water meter
- 50.46 Water connection permit
- 50.47 Definition of waterline connection, costs
- 50.48 Inspection of utility line installation
- 50.49 Access to meter and meter pit
- 50.50 Responsibility for charges

- 50.51 Standards and specifications
- 50.52 Ownership and responsibility for installation, repair, maintenance
- 50.53 Tampering with water system
- 50.54 Restrictions, variations of use
- 50.55 Care of water service lines
- 50.56 Ownership of meter
- 50.57 Abandonment of waterline, procedure
- 50.58 Right to enter property
- 50.59 Monies owed
  
- 50.99 Penalty

### ***GENERAL PROVISIONS***

#### **§ 50.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***WATER SERVICE LINE.*** The line running from the municipal water main to the structure or property to be served.

***WATER UTILITY.*** All water and water rights, waterworks, and appurtenances thereto, and machinery, equipment, and supplies used by the municipality to supply consumers with water; provided, that the water service line from the meter riser or curb stop to the structure or property served shall be regarded as the property of the owner of such structure or property served.  
(Prior Code, § 15-1)

#### **§ 50.02 RESERVATION OF RIGHTS BY MUNICIPALITY.**

The use of water under the provisions of this chapter shall not constitute or be deemed to be a relinquishment of any water or water right by the municipality, and the municipality reserves the full right to determine all matters in connection with the control and use of such water.  
(Prior Code, § 15-2)

**§ 50.03 PROMULGATION OF RULES, REGULATIONS BY ADMINISTRATIVE OFFICIAL.**

The administrative official may, from time to time, promulgate such rules and regulations as he or she considers necessary to carry out the intent of this chapter; provided, that such rules and regulations are not inconsistent with this chapter.

(Prior Code, § 15-3)

**§ 50.04 AGREEMENT TO RULES, REGULATIONS PREREQUISITE TO COMMENCEMENT OF SERVICE.**

No person may be served with water from the water utility unless he or she agrees to all of the rules and regulations of the municipality pertaining to the use of such water.

(Prior Code, § 15-4)

**§ 50.05 RECORDS, REPORTS OF ADMINISTRATIVE OFFICIAL.**

(A) The administrative official shall keep such records and prepare such reports concerning the water utility as the governing body directs.

(B) The administrative official shall keep the governing body advised of the operations, financial conditions, and future needs of the water utility, and shall prepare and submit to the governing body each month a report covering the activities of the water utility, including a statement of revenues and expenditures of the preceding month.

(Prior Code, § 15-5)

**§ 50.06 FIRE HYDRANTS, REPAIR, TESTING; OPENING, OPERATING.**

(A) (1) All fire hydrants shall be a part of the water utility and shall be kept in repair by the administrative official, or his or her authorized agents.

(2) Every hydrant shall be tested at least once annually.

(Prior Code, § 15-6)

(B) No person, other than a member of the Fire Department, shall open or operate any fire hydrant in the town without permission from the administrative official.

(Prior Code, § 15-7)

Penalty, see § 50.99

**§ 50.07 DAMAGING UTILITY'S PROPERTY, EQUIPMENT, AND THE LIKE.**

No person shall in any way damage any property, equipment, or appliance constituting or being a part of the water utility.

(Prior Code, § 15-8) Penalty, see § 50.99

**§ 50.08 TRESPASSING, INTERFERENCE WITH UTILITY'S PROPERTY, AND THE LIKE.**

No person shall trespass upon the property of the water utility or tap any water mains, or make any connections therewith or in any manner interfere with the water utility or the property, equipment, pipes, valves, or any other appliances of the water utility, or change or alter the position of any valve or appliance regulating the flow of water in any pipeline.

(Prior Code, § 15-9) Penalty, see § 50.99

**§ 50.09 DEPOSITING MATERIAL IN UTILITY WHICH WILL OBSTRUCT, POLLUTE, AND THE LIKE, THE WATER.**

No person shall cast, place, dump, or deposit in any part of the water utility any substance or material which will, in any manner, injure or obstruct the same, or any material or substance that would tend to contaminate or pollute the water or obstruct the flow of water.

(Prior Code, § 15-10) Penalty, see § 50.99

**§ 50.10 RESTRICTIONS ON USE.**

(A) *Lawn sprinkling.*

(1) (a) The use of water from the water utility for lawn sprinkling purposes may be prohibited or restricted by order of the administrative official.

(b) Except as provided in division (B) below, the order shall be effective when notice thereof is published once in a daily newspaper published in the municipality.

(c) Upon a posted notice, the sprinkling restrictions or prohibitions so prescribed shall take effect, and any violator thereof shall be punished as provided in § 50.99.

(2) No hose nozzle or discharge vent used for sprinkling water from the water utility shall be more than five-eighths inch in diameter.

(B) *During fire or other emergency.* In the event of a major fire or any other emergency that should require the immediate curtailment of the use of water from the water utility, the administrative official shall have the authority to make such restrictions as he or she deems necessary for the protection of the public.

(C) *Use in commercial agriculture.* The use of water from the water utility for commercial agricultural purposes is prohibited.

(D) *Use on property not connected to utility.* No person having water service shall permit any other person to take or use water from his or her water service for use on property not connected to the municipal water utility.

(E) *Cross-connections between water utility and private well line.* No person shall have a cross-connection between a private line carrying well water and a line carrying water from the water utility.

(Prior Code, § 15-11) Penalty, see § 50.99

#### **§ 50.11 DISCONTINUANCE OF SERVICE; FAILURE TO COMPLY WITH REGULATIONS; FAILURE TO PAY CHARGES.**

(A) If any water user fails to comply with the provisions of this chapter, other ordinances or rules and regulations of the municipality or the rules and regulations of the administrative official or uses water for a purpose not authorized or in a wasteful manner, the municipality may discontinue water service until the water user is in compliance and has paid any costs incurred because of his or her non-compliance.

(B) Any Customer disputing the correctness of his or her bill shall have a right to a hearing in front of the Town Council at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentions. The Town Council will make a determination of the customer's complaint.

(C) (1) (a) If any water user shall fail to pay all charges as prescribed by this chapter, monthly late fees will be assessed to the water account and the municipality shall shut off the water from the premises, building, house, or lot, and water service will not continue until all charges are paid, together with any charges to turn off and/or turn on water.

(b) The municipality shall not discontinue water service to an address prior to the account holder receiving seven days' written notice before termination. The account holder and registered property owner (if separate) is sent notice of intent by regular mail to the billing address on the account.

(2) (a) Upon request, the town may enter into a utility bill payment agreement with a delinquent water account holder/owner, defining specific repayment terms and conditions, in exchange for continued water service.

(b) In the event the water account holder/owner defaults under the terms and conditions of the agreement, the town may proceed to enforce all remedies available to it under this division (B).

(3) If water service is disconnected or if the owner lists the property for sale, a utility lien is filed with the County Clerk and the registered property owner, if different from the account holder, will be notified by regular mail.

(Prior Code, § 15-12) (Ord. 858, passed 6-10-2025)

#### **§ 50.12 EXTENSION OUTSIDE CORPORATE LIMITS; AUTHORITY OF GOVERNING BODY; REQUIRED FINDINGS PREREQUISITE.**

(A) The governing body may, in its sole discretion, enter into agreements with customers whose lands lie outside the corporate limits, to extend the municipality's water system and supply water for the use, needs, and requirements of such customers.

(Prior Code, § 15-14)

(B) Before the governing body shall enter into any agreement to extend the municipality's water system and water supply outside the corporate limits, it shall find that:

(1) The extension of water service is economically feasible;

(2) The property to be served is readily adaptable to and can be made to conform, within a reasonable time to be fixed by the governing body, to the then existing ordinances, which relate to subdivision, platting, zoning, and construction of improvement;

(3) The extension of sewer service to the property is economically feasible and can be accomplished within a reasonable time to be fixed by the governing body;

(4) The area within which the property to be served lies can be reasonably expected to be annexed to the municipality within the foreseeable future;

(5) Such extension would help promote the orderly growth and development of the municipality;

(6) Such extension would help promote the health, safety, and welfare of the citizens of the municipality;

(7) Such extension would help promote ecological and esthetic considerations in the growth and development of the municipality; and/or

(8) Such extension is generally in the best interests of the citizens of the municipality.  
(Prior Code, § 15-15)

### ***CONNECTIONS***

#### **§ 50.25 ONLY MUNICIPAL EMPLOYEES ALLOWED TO TURN ON WATER TO PREMISES; EXCEPTIONS.**

No person, other than a duly employed person of the municipality, shall turn on water to any premises, lot, building, or house when the water has been shut off under the provisions of this chapter; provided, that this section shall not be construed to prevent any plumber from admitting water to test pipes or restoring service after repairs.

(Prior Code, § 15-16) Penalty, see § 50.99

#### **§ 50.26 UNAUTHORIZED TAPS; COMPLIANCE WITH PERMIT; COSTS.**

(A) It shall be unlawful for any person not authorized by the administrative official to tap or connect to any part of the water utility.

(B) All taps or connections shall be made in accordance with the terms and conditions of the permit issued therefor.

(C) All taps or connections to any part of the water utility shall be made at the expense of the person making such tap or connection.

(Prior Code, § 15-17) Penalty, see § 50.99

#### **§ 50.27 PERMIT, REQUIRED; TYPES ISSUED; APPLICATION; ISSUANCE, CONTENTS.**

(A) Any person desiring to make a connection to the water utility or to use water therefrom shall make written application to the administrative official for a permit to do so, and shall not make such connection without such permit.

(Prior Code, § 15-18)

(B) There shall be four types of permits to make connections with the water utility of the municipality.

(1) A permit for the purpose of connecting a water service line from a main of the water utility to the property to be served for the purpose of taking and using water for normal municipal purposes; that is, domestic, commercial, or industrial.

(2) A permit to connect an enlarged tap to the water utility for the purpose of taking and using water for normal municipal purposes; that is, domestic, commercial, or industrial.

(3) (a) A permit to take or use water from the water utility of the municipality to serve property situate outside the municipality.

(b) This permit shall be issued only with the express consent of the governing body and under such terms and conditions as the governing body shall provide by resolution.

(4) A permit to install a frost-proof vault, riser and necessary appurtenances.  
(Prior Code, § 15-19)

(C) The application for a permit to make connection to the water utility shall state the name of the person to whom the permit is to be issued, the size of the tap, corporation cock, and water service line, the location thereof, the premises upon which water is to be used, and the purpose for which the water is to be used.  
(Prior Code, § 15-20)

(D) Permits required by division (A) above shall be issued by the administrative official and shall state the name of the person to whom the permit is issued, the date of the permit, the size of the tap, corporation cock, and water service line, the premises upon which the water is to be used, and the purpose for which the water is to be used.  
(Prior Code, § 15-21)

## **§ 50.28 PAYMENT OF CHARGES.**

The tap-on charge for tapping an existing water main shall be in an amount as set by the governing body from time to time, and that amount shall be tendered to the municipality when the application for the connection permit is made.  
(Prior Code, § 15-22)

**§ 50.29 ALL PLUMBING TO BE INSPECTED AND APPROVED.**

(A) <sup>Define or OMIT - ?</sup> (All plumbing) shall be subject to inspection by the administrative official, or his or her authorized representatives, in order to ascertain whether the requirements of this chapter have been or are being complied with.

(B) It shall be unlawful for any person to cause any plumbing within or outside the municipal limits to be connected with the water utility of the municipality until such plumbing shall have been inspected and approved, and a certificate or tag of approval issued by the municipality.

(Prior Code, § 15-23) Penalty, see § 50.99

**§ 50.30 REQUIRED FOR OCCUPIED LAND WITHIN 200 FEET OF PUBLIC WATER; EXCEPTIONS.**

All occupied lots or parts of lots, or land in the municipality, within 200 feet or less of the water of the municipality shall be connected with the public water system in the manner as provided by town ordinances. If an owner or occupier of property coming within the purview of this section fails or refuses to make such connection, the governing body shall notify such owner, occupier, or his or her agent to make or cause such connections to be made within 30 days of the service of such notice. Every such 30 days neglect, after service of such notice, shall constitute a separate offense; provided, however, that where it is impossible to make such water connection, this section shall not apply.

(Ord. 818, passed 2-10-2004)

***SERVICE LINES*****§ 50.45 INSTALLATION AND NEW CONSTRUCTION, WATER METER.**

(A) The property owner will be responsible for acquiring a water meter from the town at the rate specified from time to time by the town. After the property owner has installed the water meter, it will be the property of the town. The cost of the installation, of the water by a licensed plumber who has been approved by the Public Works Director will be borne by the property owner. The water meter must be installed in compliance with all provisions of this subchapter. At the time of installation if practicable, or after installation, the property owner must notify the town and have the water meter inspected by the Town Public Works Director to verify all lines and components have been properly installed. All new modular homes, mobile homes, and other construction must have an easily accessible meter pit or have the location of the water meter approved by the town to facilitate accessibility for meter readings and access by town employees.

(B) State law requires all contractors, municipal works departments, and residents to register a construction project that requires ground digging to call before digging. Notice is to be given at least two full business days, but not more than 14 days, before beginning the excavation project. State law requires advance notice to the state's notification center, before beginning any excavation, the property owner must give notice to the state. To register:

(1) In state, call: 811;

(2) Out of state, call: 800-849-2476; or

(3) Visit [www.onecallofwyoming.com](http://www.onecallofwyoming.com).

(Ord. 3-01-25, passed 4-1-2025)

#### § 50.46 WATER CONNECTION PERMIT AND

The Town requires property owners to apply for requesting any *new* water connection, the application where the new waterline will be placed showing the connection application also needs to include diagrams showing the connection to the resident's property connection, up to and including the owner has received the permit from the town. Connection standards, including regulations, specifications and standards currently specified by the Uniform Plumbing Code. The meter pit and its location on all new construction for new construction requiring a new water connection the meter box will be placed to allow for access by the water meter for reading.

(Ord. 3-01-25, passed 4-1-2025)

S.

ed lots or parts  
shall be completed/Treasurer's office when  
an owner or occupant shows the placement of  
connection, the application needs to include  
such connection; resident property connection  
after service of water has received the permit  
possible to make standards, including regulations,  
Ord. 2-10-2004) Plumbing Code. This certification  
tion or placement of modular  
the meter box will be placed  
the water meter for reading.

#### § 50.47 DEFINITION OF WATERLINE CONNECTION, COSTS.

(A) A **CONNECTION** or **TAP** to a town water utility line, within the provisions of this subchapter shall mean the first connection and use of town water to or from an existing line by any water user within the town including, but not limited to, connection to an existing main line by a developer for further residential or commercial development, or connection to an existing service line to a residential or commercial user.

(B) In addition to all other charges, if when tapping a connection to a main waterline requires the cutting or breaking of the surface of a street or alley, if such work is performed by the town on an emergency basis, the property owner will be responsible for the cost of repairing the street/alley (asphalt replacement).

(C) Any person desiring to cut or break the surface of a street or alley to tap or connect to a water main shall first obtain a utility excavation permit from the Director of Public Works or the Town Clerk/Treasurer.

(Ord. 3-01-25, passed 4-1-2025)

#### **§ 50.48 INSPECTION OF UTILITY LINE INSTALLATION.**

Licensed plumbing or utility contractors installing water utility lines within the town must notify the Town Director of Public Works of the time and place of such installation or construction, and must permit the Town Director of Public Works, or other town representatives or employee, to inspect the utility lines project and the lines in place and the bedding material to be used before covering the utility lines being installed or constructed, and must notify the Town Director of Public Works at a time later before the bedding material is used and permit further inspection before covering the buried line to inspect that the installation or construction will conform to the town standards and specifications.

(Ord. 3-01-25, passed 4-1-2025)

#### **§ 50.49 ACCESS TO METER AND METER PIT.**

The town shall have the right to inspect the water meter and water meter pit area at all times. Once a water tap is granted, the property owner grants permission for the town to inspect the water meter.

(Ord. 3-01-25, passed 4-1-2025)

#### **§ 50.50 RESPONSIBILITY FOR CHARGES.**

The property owner will be the responsible party for all charges under this subchapter. All outstanding unpaid charges will also establish a legal means for the town to place a lien on the property until the past due, unpaid charges have been paid in full. Only the property owner will be allowed on the account as the responsible party.

(Ord. 3-01-25, passed 4-1-2025)

#### **§ 50.51 STANDARDS AND SPECIFICATIONS.**

The Director of Public Works will adopt standards and specifications for the construction of water connections, subject to the approval of the Town Council, which shall be followed by all water customers/users.

(Ord. 3-01-25, passed 4-1-2025)

**§ 50.52 OWNERSHIP AND RESPONSIBILITY FOR INSTALLATION, REPAIR, MAINTENANCE.**

The property owner will be responsible for all costs of installation for the water service lines from the town main to the structure being served. Additionally, the property owner will be responsible for any damages to the water meter. The water connection and lines up to the main will belong to the property owner and the owner will be responsible for all costs of repair and/or replacement of any service line up to the main.

(Ord. 3-01-25, passed 4-1-2025)

**§ 50.53 TAMPERING WITH WATER SYSTEM.**

No person shall open any fire hydrant, alter any valves, or tamper with the municipal water system in any way unless they have previously been authorized by the town.

(Ord. 3-01-25, passed 4-1-2025) Penalty, see § 50.99

**§ 50.54 RESTRICTIONS, VARIATIONS OF USE.**

The use of water may be restricted by the Fire Chief or the Mayor due to local fire activity or the Mayor may authorize variations of water use to conserve the water supply during times of prolonged drought or in certain areas to prevent freezing waterlines.

(Ord. 3-01-25, passed 4-1-2025)

**§ 50.55 CARE OF WATER SERVICE LINES.**

(A) The property owner(s) that are being served by each municipal water service is responsible for all installed waterlines and all maintenance of those installed waterlines. This includes those that run from the property to the main waterline. The owner's responsibility includes continued care, maintenance, and protection of the waterline while preserving all the parts and pieces of the installed waterline.

(B) This includes the replacement of the curb box and shut-off valve when needed. This also includes maintaining the location and accessibility of the installation and keeping the curb box clean at all times and on grade.

(C) Owners are responsible for any damages that may happen due to malfunction of the installation or leak of the service line. In the event the property owner(s) are not performing the maintenance for the continued maintenance and care of the service line, the town may furnish the necessary materials and

cause the necessary work to be done, this would cause the costs and expenses incurred by the town in the course of the repairs to be charged to the property owner. The charges will be added to the owner's water bill. The water service may be turned off until the costs and expenses have been paid in full to the town.

(Ord. 3-01-25, passed 4-1-2025)

#### **§ 50.56 OWNERSHIP OF METER.**

The property owner is responsible for all damage to the meter; however, the meter will remain the property of the town.

(Ord. 3-01-25, passed 4-1-2025)

#### **§ 50.57 ABANDONMENT OF WATERLINE, PROCEDURE.**

(A) The property owner, and his or her successors of the property that is served by the municipal water service line, will remain responsible for the service lines until the time the service line is properly abandoned. Any property owner who wants to abandon a service line must first notify the Town Public Works Department of the intent to abandon. Before a service line can be properly abandoned, the line must be completely disconnected from the town's main service line and capped at the main or other location approved by the Town Public Works Department. Upon completing the cap, the Town Public Works Department must be notified to inspect, and approve that the capping has been completed. Once approved by the town, the owner will be relieved of the responsibilities in this subchapter in regards to the abandoned line. All costs incurred in the abandonment will be the responsibility of the property owner.

(B) Any property owner who is aware of an abandoned service line currently existing on his, her, or their property must provide written notice to the town of the abandoned line and its approximate location on the property, and must disclose the fact of an existing abandoned service line on any future transfers of the property.

(Ord. 3-01-25, passed 4-1-2025)

#### **§ 50.58 RIGHT TO ENTER PROPERTY.**

Property owners must allow public works employees and elected town officials to enter their property any time it is determined that the waterline inside the property needs to be inspected, observed, measured, or sampling of water to assure the property owner is maintaining compliance with all provisions of this subchapter.

(Ord. 3-01-25, passed 4-1-2025)

**§ 50.59 MONIES OWED.**

In the event a property owner allows water service charges and/or violations to become past due, the town may turn off water service and has the right to place a lien against the property. Any property with a lien being held against it by the town must be cleared before transferring ownership. Water service will not be restored until the water bill is paid in full.

(Ord. 3-01-25, passed 4-1-2025)

**§ 50.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Failure to comply with the provisions of § 50.30 is a misdemeanor punishable by up to a \$750 fine per violation. Failure to cure an existing violation may result in the issuance of multiple information or citations.

(C) Failure to meet the obligations, terms, and conditions outlined in §§ 50.45 through 50.59 is a misdemeanor punishable by a fine of up to \$750 per violation. In addition, failure to immediately cure an existing violation can result in the issuance of multiple violations or citations by the Town Attorney to the property owner for non-compliance.

(Ord. 818, passed 2-10-2004; Ord. 3-01-25, passed 4-1-2025)

## **CHAPTER 51: SEWAGE**

### **Section**

#### ***General Provisions***

- 51.001 Definitions
- 51.002 Adoption of additional regulations
- 51.003 Powers, duties of public works officials
- 51.004 Permit required for alteration of service line
- 51.005 Separate service line required for each property; plumbing fixtures to be connected by property owner upon notice
- 51.006 Sand, grease traps required for establishments having wash or grease racks
- 51.007 Depositing injurious materials into system

#### ***Sewer Connections***

- 51.020 Required for occupied land within 200 feet of public sewer; exceptions
- 51.021 Connections to be made before paving adjacent streets
- 51.022 Permit
- 51.023 Plumbing to be inspected before connections are made
- 51.024 Connection of water drains, downspouts, and the like

#### ***Installation and Repair of Sewer Systems***

- 51.035 Service lines; dimensions, material requirements
- 51.036 Extent of municipality's participation in bearing cost of larger mains
- 51.037 Construction of sewers in subdivisions, main extension contract required
- 51.038 Extension of sewer to serve property within municipality not part of a subdivision
- 51.039 Non-gravity lines; pumping stations generally
- 51.040 Extension of service outside municipality; authority of governing body
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### **GENERAL PROVISIONS**

#### **§ 51.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**SEWER SERVICE LINE.** The sewer line running from the municipal sewer main to the structure or real property to be served.

**SEWER UTILITY.**

(1) All sanitary sewers, sewage treatment works, equipment, material and supplies used by the municipality to collect and dispose of sewage from property in the municipality and property served by municipal sewers outside the municipality.

(2) Provided, that a sewer service line is the property of the owner of such structure or real property served.

(Prior Code, § 10-1)

**§ 51.002 ADOPTION OF ADDITIONAL REGULATIONS.**

The administrative official may, from time to time, promulgate such rules and regulations as he or she considers necessary to carry out the intent of this chapter; provided, that such rules and regulations shall not be inconsistent with this chapter.

(Prior Code, § 10-2)

**§ 51.003 POWERS, DUTIES OF PUBLIC WORKS OFFICIALS.**

The public works official shall cause to be inspected all openings made in any sewer and all connections made to the sewer utility. He or she shall take such action as he or she deems necessary to prevent injury or damage to the sewer utility and to prevent interference with the free flow of sewage.

(Prior Code, § 10-3)

**§ 51.004 PERMIT REQUIRED FOR ALTERATION OF SERVICE LINE.**

(A) It shall be unlawful to extend any sewer service line or to change, enlarge, or alter the use of any sewer service line connected to the sewer utility without first obtaining a permit therefor.

(B) No such permit shall be issued to property situated outside the municipality, except under such terms and conditions as the governing body shall provide.

(Prior Code, § 10-4) Penalty, see § 51.999

**§ 51.005 SEPARATE SERVICE LINE REQUIRED FOR EACH PROPERTY; PLUMBING FIXTURES TO BE CONNECTED BY PROPERTY OWNER UPON NOTICE.**

(A) Each property shall be served by its own sewer service line. All plumbing fixtures in any building or structure on land adjoining to or abutting on or near any street or alley, or other place through which there is a public or private sewer connected with the sanitary sewer utility of the municipality, shall be connected by the owner of the property, or his or her agent or other persons having charge of or receiving the rent or being the tenant of the same, with such public or private sewer upon notice from the municipality. If one service serves two premises, the town will allow the connection, existing until it must be replaced or repaired. However, the property owner(s) will be billed for separate connections.

(B) Such notice shall be served upon the owner of such property by regular or certified mail to his or her last known address; 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.

(Prior Code, § 10-5)

**§ 51.006 SAND, GREASE TRAPS REQUIRED FOR ESTABLISHMENTS HAVING WASH OR GREASE RACKS.**

All filling stations, garages, restaurants, or other facilities having wash or grease racks connected with the sewer utility shall have in place and operating a sand and grease trap of suitable size and construction. Said traps must in good operating condition and properly maintained in accordance with industry standards.

(Ord. 817, passed 2-10-2004) Penalty, see § 51.999

**§ 51.007 DEPOSITING INJURIOUS MATERIALS INTO SYSTEM.**

It shall be unlawful for any person or entity to throw or deposit, or cause or permit to be deposited, in any vessel or receptacle connected with the sewer utility any petroleum products, volatiles, acids, highly alkaline solutions, or any other matter whatsoever which shall be in any way injurious to the system or to the treatment process at the treatment plant, or which shall in any way cause undue maintenance of the system or the sewage plant.

(Ord. 817, passed 2-10-2004) Penalty, see § 51.999

***SEWER CONNECTIONS*****§ 51.020 REQUIRED FOR OCCUPIED LAND WITHIN 200 FEET OF PUBLIC SEWER; EXCEPTIONS.**

(A) All occupied lots or parts of lots or land in the municipality within 200 feet or less of the public sewer of the municipality shall be connected by private drain connections with the public sewer, in the manner as provided in this chapter, and no privy vault or cesspool shall be maintained, kept, or continued thereon.

(B) If the owner of property coming within the purview of this section neglects or refuses to make such connection, the governing body shall notify such owner, or his or her agent, to make or cause such connections to be made, the owner, or his or her agent, shall comply with such notice within 30 days from the service of such notice.

(C) Every such 30 days' neglect, after the service of such notice, shall constitute a separate offense; provided, that where the drainage is such that it is impossible or impracticable to make such sewer connection, this section shall not apply.

(Prior Code, § 10-8) Penalty, see § 51.999

**§ 51.021 CONNECTIONS TO BE MADE BEFORE PAVING ADJACENT STREETS.**

Before any street or alley is paved, the owners of all property abutting thereon where a sanitary sewer is laid shall make proper sewer connections with such sanitary sewer, whether the immediate use thereof is required or not. Until used, such connecting sewers shall be supplied with a proper cap or covering sufficient to prevent the escape of sewer gas.

(Prior Code, § 10-9)

**§ 51.022 PERMIT.**

(A) No person shall make any connection to, or uncover or open any municipal sewer without first obtaining a permit therefor from the administrative official.

(Prior Code, § 10-10)

(B) Any person desiring to make any connection to the sewer utility shall make written application to the administrative official for a permit. All such applications must contain a description of the property to be connected, the kind and size of the service line, and the kinds of fixtures to be served.

(Prior Code, § 10-11)

(C) The permit shall state the name and address of the person making the connection or excavation, the property to be served, the location of the tap to the municipal sewer main, and the size of the tap. No permit shall be issued unless the fees prescribed by the municipality are tendered with the application for a permit. Such fees shall be as are established from time to time by the governing body.

(Prior Code, § 10-12)

(D) The following types of permits shall be issued for connecting to the sewer utility:

(1) Permits to run a sewer service line from the sewer main to the property line of the property to be served;

(2) Permits to run a sewer service line from the sewer main to the structure or building to be served;

(3) Permits to run a sewer from the stubbed in service at the property line to the building or other structure to be served;

(4) Permits to connect a sewer service line to the sewer utility to serve property outside the municipality; provided, that no permit shall be issued to connect with the sewer utility to serve property lying outside the municipality, except with the express consent of the governing body and under such terms and conditions as the governing body may, by resolution, prescribe; and

(5) Permits to renew any of the sewer service lines provided for in this section:

(Prior Code, § 10-13)

Penalty, see § 51.999

#### **§ 51.023 PLUMBING TO BE INSPECTED BEFORE CONNECTIONS ARE MADE.**

All plumbing shall be subject to inspection by the administrative official or his or her authorized representatives, in order to ascertain whether the requirements of this chapter have been or are being complied with. It shall be unlawful for any person to cause any plumbing within or outside the municipality to be connected with the sewer utility of the municipality until such plumbing shall have been inspected and approved, and a certificate or tag of approval issued by the municipality.

(Prior Code, § 10-14) Penalty, see § 51.999

#### **§ 51.024 CONNECTION OF WATER DRAINS, DOWNSPOUTS, AND THE LIKE.**

It shall be unlawful to connect any stormwater drains, downspouts, subsurface drainage systems, or steam exhausts or blowoff from a steam boiler to the sanitary system.

(Prior Code, § 10-15) Penalty, see § 51.999

### ***INSTALLATION AND REPAIR OF SEWER SYSTEMS***

#### **§ 51.035 SERVICE LINES; DIMENSIONS, MATERIAL REQUIREMENTS.**

(A) The Size of any sewer service lines must be no less four inches and no more than six inches inside diameter. The inside of all sewer service line pipe must be made of good, hard, Polyethylene piping (PVC) with root resistant joints, or currently approved material required by the Uniform Plumbing Code.

(Prior Code. § 10-16)

(B) Backfilling of sewer service line trenches shall be hard packed with care and well rammed to prevent the slightest settling of the trenches.

(Prior Code, § 10-17)

(C) The inside of every sewer service line connecting with the sewer utility shall be left smooth and perfectly clean throughout its entire length, and the ends of all lines not to be immediately used shall be

securely guarded against the introduction of earth, sand, or other foreign material by bricks and cement or other watertight and impervious material,

(Prior Code, § 10-18)

(D) The cost of installing the sewer service line shall be paid by the property owner. 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 administrative official, such line has become inoperative due to stoppages, crushing, settlement, or any other defect.

(Prior Code, § 10-19)

(E) Whenever a sewer connection shall be made, the required trench shall be opened an ample width to permit easy inspection and the removal of all rubbish. If there is no junction piece in the sewer, a connection may be made by inserting into the sewer a "T" saddle of the size specified in the permit required therefor. After making the opening, which shall be done with great care so as to not injure the sewer, all rubbish shall be carefully removed from inside the main sewer. All connections of one line of sewer pipe with another shall be made with "Y" branches or "T" saddles, and long radius eighth bends. The interior of each length of pipe and the inside of the last joint shall be made perfectly clean before the next joint is laid. All joints of vitrified clay pipe shall be set in an approved mastic type joint filler. Slip on type joints of a type approved by the city shall be acceptable. The "T" saddle may be inserted into the sewer and set even with the inside of the sewer on a bed of mortar and the opening around the pipe carefully repaired and well plastered with an approved mastic type joint filler. In connecting pipe with pipe, a "Y" junction or "T" saddle shall be used and the main sewer left in as good a condition as before the work was done. When a connection is made to a sewer main, the service line shall not be connected thereto until the connection has been inspected and approved by the municipality.

(Prior Code, § 10-20)

#### **§ 51.036 EXTENT OF MUNICIPALITY'S PARTICIPATION IN BEARING COST OF LARGER MAINS.**

(A) Except in such instances where a single sewer district, subdivision, or development under one ownership shall require a main greater than eight inches in diameter, the municipality shall participate in the cost of installing larger sized mains. The extent of municipal participation shall be based on the following percentages of the total cost of sewers greater than eight inches in diameter:

- (1) For ten-inch mains, the percentage of the municipality's participation shall be 15%;
- (2) For 12-inch mains, the percentage of the municipality's participation shall be 25%;
- (3) For 15-inch mains, the percentage of the municipality's participation shall be 35%;

(4) For 18-inch mains, the percentage of the municipality's participation shall be 45%; and

(5) For mains larger than 18 inches in diameter, the extent of the municipality's participation shall be determined by the governing body.

(B) In those instances where a district, subdivision, or development under one ownership is of such size that mains larger than eight inches in diameter are required, the entire cost of such oversize mains shall be paid by the district or subdivider.

(Prior Code, § 10-21)

**§ 51.037 CONSTRUCTION OF SEWERS IN SUBDIVISIONS, MAIN EXTENSION CONTRACT REQUIRED.**

(A) No sewer shall be constructed in a platted subdivision until the subdivider and the municipality have executed a sewer main extension contract.

(Prior Code, § 10-22)

(B) The subdivider shall install the mains in his or her subdivision by contract upon approval of the plans and specifications by the municipality, execution of sewer extension contract, and municipal inspection of actual construction; provided, that the municipality may elect to install the mains, in which case the subdivider shall deposit with the municipality the estimated cost of the sewer construction, plus engineering and administrative costs. The municipality shall then proceed to construct the sewer under contract. If at any time the actual cost exceeds the amount deposited, the subdivider shall immediately deposit sufficient funds to complete the work.

(Prior Code, § 10-23)

(C) The subdivider shall pay the costs of construction of all sewer mains and appurtenances to, in, and through his or her subdivision, except as otherwise provided in this subchapter. Sewer mains shall always be extended to the farthest points upgrade in a platted subdivision so that the system may be perpetuated.

(Prior Code, § 10-24)

(D) When a subdivider finds it necessary to construct a sewer through undeveloped areas to serve his or her platted subdivision, the entire cost of such sewer line shall be paid by the subdivider unless the oversize main provisions are applicable. At the time of annexation or as the property abutting such sewer is developed and connections are made to the sewer, the municipality may collect a charge per front foot based upon the original construction cost, and if so collected shall reimburse the original subdivider to the extent of the collections so made; provided, that in no event shall such reimbursement exceed the total

cost of the sewer. A subdivider's right to reimbursement under the provisions of this section shall terminate 15 years after execution of the sewer extension contract.

(Prior Code, § 10-25)

Penalty, see § 51.999

#### **§ 51.038 EXTENSION OF SEWER TO SERVE PROPERTY WITHIN MUNICIPALITY NOT PART OF A SUBDIVISION.**

Extension of sewers to serve property within the municipality but not a part of a subdivision shall be financed by special assessment against the benefitted property or under such terms and conditions as the governing body shall provide.

(Prior Code, § 10-26)

#### **§ 51.039 NON-GRAVITY LINES; PUMPING STATIONS GENERALLY.**

(A) When pumping stations are required, the cost of constructing such stations shall be the responsibility of the property served thereby. In those instances where it appears that more than one subdivision may be served by the pump station, the municipality may require a larger capacity than that necessary to serve the initial development. Where such larger capacity is required, the additional cost may be paid by the sewer utility and thereafter collected from other property owners or subdividers connecting to lines served by the pump station. Such charges shall be paid prior to the time any connections are made.

(Prior Code, § 10-27)

(B) Force mains required to serve an area not otherwise able to enter the municipality's sewerage system shall be constructed at the expense of the owners of the property to be served thereby.

(Prior Code, § 10-28)

(C) (1) In those instances where pumping stations and force mains are required, the sewerage system shall be designed so as to permit an eventual connection into a gravity system with a minimum of expense. Where practicable, easements shall be provided and lines constructed to tie into the gravity system.

(2) The municipality may require deposits, where deemed necessary, from the property owners requiring such force system to ensure the eventual construction of gravity lines.

(Prior Code, § 10-29)

**§ 51.040 EXTENSION OF SERVICE OUTSIDE MUNICIPALITY; AUTHORITY OF GOVERNING BODY.**

(A) The governing body may in its sole discretion enter into agreements with customers whose lands lie outside the corporate limits to extend the municipality's sewer system for the use, needs, and requirements of such customers.

(Prior Code, § 10-30)

(B) Before the governing body shall enter into any agreement for the extension of the municipality's sewer system to customers outside the corporate limits, it shall find that:

(1) The extension of sewer service is economically feasible;

(2) The property to be served is readily adaptable to and can be made to conform, within a reasonable time to be fixed by the Town Council, to the then existing ordinances of the municipality which relate to subdivision platting, zoning, and construction of improvements;

(3) The property to be served is not currently contiguous to the municipality limits and cannot therefore be annexed to the municipality pursuant to the laws of the state, but that such property can reasonably be expected to be annexable to the municipality within the foreseeable future;

(4) Such extension would help promote the orderly growth and development of the municipality;

(5) Such extension would help promote the health, safety, and welfare of the citizens of the municipality;

(6) Such extension would help promote ecological and aesthetic considerations in the growth and development of the municipality; and

(7) Such extension is generally in the best interests of the citizens of the municipality.  
(Prior Code, § 10-31)

**§ 51.041 CERTIFICATE REQUIRED.**

No permit for connection to town sewer lines shall be granted without the certification of the Public Works Director or approval of the Town Council that the sewer line complies with established plumbing standards including regulations, specifications, and standards adopted by the Public Works Director and the Uniform Plumbing Code. This certification includes all new construction or placement of modular or mobile homes, and other new construction.

(Ord. 830, passed 11-13-2007) Penalty, see § 51.999

**§ 51.042 DEFINITION OF SEWER LINE CONNECTION, COSTS.**

(A) A connection or tap to a town sewer line within the provisions of this chapter shall mean the first connection and use of the town sewer to or from an existing service line by any sewer user within the town, including, but not limited to, connection to an existing main line by a developer for further residential or commercial development, or connection to an existing service line by an individual residential or commercial user.

(B) The specific intent of this chapter and its provisions therein are to levy a charge upon sewer users, and to aid in offsetting and defraying the user's proportionate share of the cost of the total public utility system. In addition to all other charges, when the tapping of or connection to a sewer utility line requires the cutting or breaking of the surface of a street or alley, if such work is performed by the town on an emergency basis, the permit applicant or holder shall be responsible for those costs.

(C) Any person desiring to cut or break the surface of a street or alley for the purpose of tapping or connecting to a sewer main shall first obtain a utility excavation permit from the Director of Public Works or the Town Council. The costs associated with connections to or extensions of town sewer mains may be reviewed and decided on by the Town Council giving consideration to all appropriate and equitable factors in the event it appears an applicant may be unduly burden by the extension of a main. (Ord. 830, passed 11-13-2007)

**§ 51.043 INSPECTION OF UTILITY LINE INSTALLATION.**

Licensed plumbing or utility contractors installing sewer utility lines within the town shall notify the Town Director of Public Works of the time and place of such installation and construction, and permit the Town Director of Public Works, or other town representatives or employees, to inspect the utility lines project and the lines in place, and the bedding material to be used prior to covering the utility lines being installed or constructed, and shall notify the Town Director of Public Works subsequent to the bedding of same and permit further inspection in order that the installation or construction will conform to the town standards and specification.

(Ord. 830, passed 11-13-2007)

**§ 51.044 RESPONSIBILITY FOR CHARGES.**

The applicant and permit holder shall be responsible for all charges incurred under this chapter. All charges shall also constitute a lien upon the premises served.

(Ord. 830, passed 11-13-2007)

**§ 51.045 STANDARDS FOR CHARGES.**

The Director of Public Works shall adopt standards and specifications for the construction of sewer connections, subject to the approval of the Town Council, which shall be followed by all sewer users. (Ord. 830, passed 11-13-2007)

**§ 51.046 OWNERSHIP, RESPONSIBILITY FOR INSTALLATION, REPAIR, MAINTENANCE.**

(A) The owner of the premises and holder of the permit shall be responsible for all costs of installation for sewer service lines from the town main to the structure to be served.

(B) The sewer connection and lines up to the main shall belong to the owner of the premises, and the owner shall be responsible for all costs of repair and replacement of any service line up to the main. (Ord. 830, passed 11-13-2007)

**§ 51.047 TAMPERING WITH SEWER SYSTEM.**

No person shall open or alter any valves or otherwise tamper with the municipal sewer system, except as authorized by the town.

(Ord. 830, passed 11-13-2007) Penalty, see § 51.999

**§ 51.048 CARE OF SEWER SERVICE INSTALLATIONS.**

(A) The owner or owners of the property served by each municipal sewer service line are responsible for their sewer line from the main line to the premises served for continued care, maintenance, protection, preservation, and if necessary the replacement of the line.

(B) In the event such persons do not discharge their continuing responsibility, the town may furnish the necessary materials and cause the necessary work to be done, and all costs and expenses incurred by the town shall be charged to the persons responsible therefor and shall be added to the bill accruing for sewer service through the line.

(C) The sewer service through the line may be turned off until such costs and expenses are paid to the town in full.

(Ord. 830, passed 11-13-2007)

**§ 51.049 ABANDONMENT OF SEWER LINE, PROCEDURE.**

(A) The owner, his or her successors, or the occupant of the property or premises served by each municipal sewer service line shall remain responsible for the service line as provided herein until such time as the service line has been properly abandoned. Any owner or occupant that desires to abandon a service line shall first notify the Town Public Works Department of his or her intent.

(B) In order to properly abandon the service line, it shall be disconnected from the main and capped at the main or other location approved by the Town Public Works Department. Upon completing the cap, the Town Public Works Department shall be notified to inspect and approve the same.

(C) Once approved by the town, the owner and occupant shall be relieved of the responsibilities set forth herein with regard to the line abandoned. All costs incurred in the abandonment shall be the responsibility of the owner of the property.

(D) Any owner or occupant of property who is aware of an abandoned sewer service line currently existing on his or her property shall provide written notice to the town of the abandoned line and its approximate location on the property, and shall disclose the fact of an existing abandoned service line on any subsequent transfer of the property.

(Ord. 830, passed 11-13-2007)

**§ 51.050 RIGHT OF TOWN TO ENTER PROPERTY FOR ADMINISTRATION OF THIS SUBCHAPTER.**

Duly authorized employees and elected town officials shall be permitted to enter all properties for the purpose of inspections, observation of sewer lines, and to assure compliance with all provisions of this subchapter.

(Ord. 830, passed 11-13-2007)

***SERVICE CHARGES*****§ 51.065 ESTABLISHMENT; BILLING PROCEDURE.**

(A) Charges for use of the municipality's sewer system shall be as set from time to time by the governing body.

(B) (1) Billing and collection procedures may be established by the municipal employees charged with the collection of such sewer service charges.

(2) Provided, that such procedures are approved by the governing body.  
(Prior Code, § 10-32)

**§ 51.066 DEPOSIT TO BEGIN USING SEWER UTILITY.**

A new sewer user, upon application for water and sewer service, shall pay in advance the minimum charge for one billing period.  
(Prior Code, § 10-33)

**§ 51.067 SERVICE OUTSIDE MUNICIPALITY.**

The charge for sewer service outside the municipality shall be double that for sewer service within the municipality, unless otherwise provided by the governing body.  
(Prior Code, § 10-33(I))

**§ 51.068 METERING OF WATER FROM PRIVATE SOURCES.**

The administrative official may require that water used for private wells which enters the sanitary sewer system shall be metered, or he or she may otherwise determine the method to be used to establish the rate to be charged for sewer service.  
(Prior Code, § 10-35)

**§ 51.069 CHARGES TO BE INCLUDED ON WATER BILL.**

Sewer charges shall be included on the water bill.  
(Prior Code, § 10-36)

**§ 51.070 PLACE OF PAYMENT; DUE DATE OF BILLS.**

All charges for sewer services provided in this subchapter shall be due and payable at the office of the Municipal Clerk/Treasurer on the twentieth of the month following date of the bill.  
(Prior Code, § 10-37)

**§ 51.071 LIABILITY OF PROPERTY OWNER FOR SERVICE.**

(A) The owner of every building, premises, or lot or house shall be liable for all water delivered to or taken from and used upon his or her premises, which liability may be enforced by the municipality by action at law to enforce payment.

(B) In case the tenant in possession of any premises or buildings shall pay the water charges, it shall relieve the landowner from such obligations but the municipality shall not be required to look to any person whatsoever other than the owner for the payment of water charges. No change of ownership or occupation shall affect the application of this section.

(Prior Code, § 10-38)

**§ 51.999 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Failure to comply with the provisions of § 51.006 is a misdemeanor punishable by up to a \$750 fine per violation. Failure to cure an existing violation may result in the issuance of multiple information or citations.

(C) Failure to comply with the provisions of § 51.007 is a misdemeanor punishable by up to a \$750 fine per violation. Failure to cure an existing violation may result in the issuance of multiple information or citations.

(D) Failure to comply with the provisions of §§ 51.041 through 51.050 is a misdemeanor punishable by up to a \$750 fine per violation. Failure to immediately cure an existing violation may result in the issuance of multiple information or citations by the Town Attorney to any offender for non-compliance. (Ord. 817, passed 2-10-2004; Ord. 830, passed 11-13-2007)



## CHAPTER 52: TRASH AND REFUSE

### Section

- 52.01 Definitions
- 52.02 Maintenance of premises generally
- 52.03 Containers
- 52.04 Setting fires
- 52.05 Use of other places for disposal of garbage, refuse, and the like prohibited

### § 52.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GARBAGE.** Waste resulting from the handling, preparation, cooking, or consumption of foods, waste from the handling, storage, and sales of produce, and any other matter whatsoever that may decompose and become foul, offensive, unsanitary, or dangerous to health.

**REFUSE.** Combustible and non-combustible 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 waste resulting from industrial and manufacturing processes.  
(Ord. 909, passed 6-10-2025)

### § 52.02 MAINTENANCE OF PREMISES GENERALLY.

(A) (1) It shall be the duty of any owner, agent, tenant, purchaser, contractor, or lessee of any premises within the municipality, including, but not limited to, places of business, dwelling houses, apartments, tenements, construction sites, or other establishments, to maintain the premises in a clean and orderly condition at all times.

(2) No deposit or accumulation of materials except those necessary or ordinarily attendant upon construction or for the use such premises are legally intended.

(3) Any unacceptable accumulation is hereby declared to constitute a nuisance and a non-conforming use of the premises.

(B) All persons, where cooking or eating is done, shall provide and keep at their own expense, garbage containers suitable for holding all garbage and refuse without running over or accessible to animals.

(Ord. 909, passed 6-10-2025)

### **§ 52.03 CONTAINERS.**

All garbage and refuse containers shall be watertight, constructed of galvanized iron, metal, heavy duty plastic, or any other material approved by the municipality, and shall have a close fitting lid or cover and attached to the container, and shall be maintained in position to prevent the accumulation on of animals, flies, and other insects, and shall possess a bail or handles for handling, and shall not exceed 96 gallons in capacity.

(Ord. 909, passed 6-10-2025)

### **§ 52.04 SETTING FIRES.**

It shall be unlawful for any person to set fire to private property within the municipal township.

(Ord. 909, passed 6-10-2025) Penalty, see § 10.99

### **§ 52.05 USE OF OTHER PLACES FOR DISPOSAL OF GARBAGE, REFUSE, AND THE LIKE PROHIBITED.**

(A) It shall be unlawful for any person to use land or places within the municipality to dispose of garbage or refuse. All refuse or garbage must be hauled to a solid waste facility in the county.

(B) (1) It shall be unlawful for any person to use the municipal brush pile to dispose of garbage or refuse. The municipal brush pile is available for residents only to dispose of yard waste, to include tree limbs, bush branches, leaves, grass clippings, and weeds.

*Proposed Omission:*

(2) No tree trunks larger than six inches are allowed and must be hauled to a local solid waste facility.

(3) Only authorized municipal employees are allowed to burn any debris located within the municipal brush pile.

(Ord. 909, passed 6-10-2025) Penalty, see § 10.99

**TITLE VII: TRAFFIC CODE**

*[Reserved]*



## **TITLE IX: GENERAL REGULATIONS**

### **Chapter**

- 90. HEALTH AND SANITATION; NUISANCES**
- 91. CEMETERIES**
- 92. ANIMALS**



## CHAPTER 90: HEALTH AND SANITATION; NUISANCES

### Section

#### *General Provisions*

#### 90.01 Weeds

#### *Abandoned Vehicles*

- 90.15 Vehicles constituting nuisance on private property; prohibited
- 90.16 Prima facie evidence of existence of nuisance
- 90.17 Removal

### **GENERAL PROVISIONS**

#### **§ 90.01 WEEDS.**

(A) It shall be the duty of any owner, occupant, or agent, having control of any lot or premises, to mow or otherwise destroy and remove weeds that may grow above the height of 12 inches premises, as well upon any parking space between such property and the street and upon that portion of any alley adjoining such premises.

(B) Any member of the governing body or any town employees is authorized to require compliance with this section. The owner, agent, or occupant of any premises shall be held liable for compliance; and any refusal or failure to destroy and remove any weeds upon the premises under his or her care and control, he or she shall be served with a verbal or written notice requiring removal of such weeds within ten days from the receipt of such notice.

(C) Failure to comply with any notice given pursuant to this section, the municipality may have such weeds, refuse, or garbage removed, and assess the owner, agent, or occupant of any premises for the removal expense incurred on a special bill. Should the invoice go unpaid, the town may file a lien on the property for the amount due. At any time, if there is another occurrence of non-compliance on this section, each offense will be treated as a separate offense.

(Ord. 909, passed 6-10-2025)

**ABANDONED VEHICLES****§ 90.15 VEHICLES CONSTITUTING NUISANCE ON PRIVATE PROPERTY; PROHIBITED.**

No person shall abandon or leave any vehicle upon any private property for such time and under such circumstances as to cause such vehicle to become a nuisance.

(Prior Code, § 7-6) Penalty, see § 10.99

**§ 90.16 PRIMA FACIE EVIDENCE OF EXISTENCE OF NUISANCE.**

For the purposes of this subchapter, any one of the following circumstances existing prior to, or at the time notice is delivered, shall be considered prima facie evidence that a vehicle upon private property is an abandoned vehicle constituting a nuisance:

(A) When any of the four tires or the main wheels of such vehicle have been removed or are deflated, other than for repair;

(B) When any of the main wheels of the vehicle have been removed, other than for repair;

(C) When such vehicle is totally or partially suspended above the ground by jacks, blocks, or any other lifting devices, other than for repair;

(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 the purpose of sale at the place licensed for such sale; and/or

(E) When any part of the mechanism of the vehicle has been removed so as to render the vehicle inoperable, other than for repair.

(Prior Code, § 7-7)

**§ 90.17 REMOVAL.**

(A) No person in charge or control of any private property, whether as owner, tenant, occupant, lessee, contract purchaser or otherwise, shall allow any abandoned vehicle which constitutes a nuisance to remain on such property longer than ten days after having received written notice to remove the same from the municipality. Notice shall be deemed delivered when deposited in the United States mail, by registered or certified mail, with postage prepaid, and addressed to the owner or occupant of the premises upon which such vehicle rests.

(B) Upon the failure of the person in charge or control of such property to remove the vehicle within the allotted time, the municipality may abate the vehicle as a nuisance and collect the costs of such removal in the same manner as provided for the abatement of nuisances generally.

(C) The abatement of the nuisance by the municipality shall not relieve the person in charge or control of such property of any penalty imposed for his or her violation of this subchapter by § 10.99. (Prior Code, § 7-8) Penalty, see § 10.99



## CHAPTER 91: CEMETERIES

### Section

- 91.01 Designated
- 91.02 Operations
- 91.03 Ownership
- 91.04 Abandoned, unoccupied lots
- 91.05 Prohibited acts
- 91.06 Cemetery Board

- 91.99 Penalty

### ***Cross-reference:***

*Cemetery Sexton, see § 31.65*

*Organizations, see Chapter 32*

### **§ 91.01 DESIGNATED.**

The municipal cemetery, as the same is designated in the plat on file in the office of the Clerk/Treasurer of the municipality, is hereby made and designated the municipal cemetery.  
(Ord. 810, passed 11-12-2002)

### **§ 91.02 OPERATIONS.**

(A) The municipal cemetery shall be operated under rules and regulations which have been established and adopted by the governing body of the town, and which shall be held on file in the office of the Clerk/Treasurer of the town.

(B) Such rules and regulations may be changed or adapted as deemed necessary from time to time by the governing body of the town. A copy of the rules and regulations may be obtained from the Clerk/Treasurer's office for a nominal fee.

(Ord. 810, passed 11-12-2002)

**§ 91.03 OWNERSHIP.**

(A) Ownership of a plot or plots within the cemetery shall be evidenced only by a cemetery certificate of sale issued by the town, and signed by the Mayor of the town and attested by the Town Clerk/Treasurer upon full payment of the purchase price.

(B) The price of all burial lots in the municipal cemetery shall be as determined by the governing body of the town, which price may be changed from time to time as is deemed necessary. Priority in the purchase of lots shall be given to residents of the town, who bear the burden of taxation for the municipal cemetery. Price for lots purchased by non-residents will be set at a 50% higher basis than those set for town residents.

(Ord. 810, passed 11-12-2002)

**§ 91.04 ABANDONED, UNOCCUPIED LOTS.**

(A) Where there has been no contact with or knowledge of the owners, heirs, or assigns, as the case may be, of any cemetery lots for more than 25 years, the town may declare the ownership of such lot or lots abandoned.

(B) (1) Prior to declaring the lot or lots abandoned, notice shall be served by registered mail at the last known address of the owner of the lot, or his or her heirs or assigns.

(2) If the last known address cannot be ascertained, notice shall be given by one publication in a newspaper.

(C) The notice shall allow 30 days for the owner, heir, or assign to advise the town of his or her identity and address; and if so advised, the town shall not declare the abandonment.

(D) (1) If the town receives no response as set out above, the town shall by resolution declare the lot or lots abandoned.

(2) The town may then resell the lots, but shall place in trust an amount equal to the original selling price, which trust fund shall be placed in legal investments, and the interest thereon shall be placed in the town's General Fund.

(3) If the original owner, or his or her heirs or assigns, have not contacted the town within 25 years after the funds are placed in trust, the money may be withdrawn and placed in the town's General Fund.

(4) So long as the lot or lots remain unsold, the original owner, heirs, or assigns may reclaim them by establishing his, her, or their right to such lot or lots.  
(Ord. 810, passed 11-12-2002)

**§ 91.05 PROHIBITED ACTS.**

(A) No advertising of any kind shall be permitted in the cemetery.

(B) The Cemetery Sexton, as well as local law enforcement as directed by the town, shall have the power to enforce all ordinances, rules, and regulations pertaining to the municipal cemetery and to exclude from the cemetery any and all persons found in violation thereof.  
(Ord. 810, passed 11-12-2002) Penalty, see § 91.99

**§ 91.06 CEMETERY BOARD.**

(A) A Cemetery Board is established.

(B) The Cemetery Board will be made up of not less than three members, nor more than five members, who shall be annually appointed by the Mayor with the advice and consent of the Council.

(C) The members of the Cemetery Board shall serve without compensation.

(D) A vacancy on the Town Cemetery Board shall be filled by appointment by the Mayor, with the advice and consent of the Council.

(E) The Town Council may, by majority vote, remove any member of the Cemetery Board whenever it appears that such removal would be in the best interest of the town, as determined by the Town Council.

(F) The members of the Cemetery Board shall elect from its number a Chairperson, and shall designate its own times and places of meeting; except, that the Mayor or the Town Council may request their convening in extraordinary session at any time. All meetings of the Board shall be open to the public.

(G) The Board shall keep minutes of its meetings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, all of which shall be immediately filed in the office of the Town Clerk/Treasurer and shall become a public record.

(H) The duties of the Cemetery Board shall include recommendations concerning improvements to the town cemetery, recommendations on the rules and regulations for the cemetery, and any other matter directed to the Board by the Town Council.  
(Ord. 810, passed 11-12-2002)

**§ 91.99 PENALTY.**

Violation of any of the provisions of this chapter or the rules and regulations for the municipal cemetery shall constitute a misdemeanor, and may be punishable as provided in § 10.99.  
(Ord. 810, passed 11-12-2002)

## **CHAPTER 92: ANIMALS**

### **Section**

#### ***General Provisions***

- 92.01 Definitions
- 92.02 Permitting animals to run at large unlawful
- 92.03 Livestock, fowl
- 92.04 Animal nuisances; feral, wild animals
- 92.05 Cruelty to animals generally

#### ***Dogs and Cats***

- 92.20 Definitions
- 92.21 Keeping animal constituting nuisance
- 92.22 Vicious, dangerous animals

#### ***Registration***

- 92.35 Vaccination and rabies control; animal bites
- 92.36 Public safety measures
- 92.37 Continuation of dangerous, vicious animal declaration
- 92.38 Animals not registered shall be picked up
- 92.39 Impoundment
- 92.40 Disposal of unclaimed animals
- 92.41 Registered dogs and cats
- 92.42 Kennel license
- 92.43 Dogs may be ordered confined, muzzled
- 92.44 Female dogs

#### ***At Large; Impoundment***

- 92.55 Impoundment authority
- 92.56 Fee
- 92.57 Notice
- 92.58 Disposition

- 92.59 Duty of officer
- 92.60 Costs to owner
- 92.61 Impoundment, quarantine of vicious, dangerous animals
  
- 92.99 Penalty

### ***GENERAL PROVISIONS***

#### **§ 92.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any animal owned and harbored within the jurisdictional town limits are considered property.

***ANIMAL CONTROL OFFICER.*** The person employed by the town to control animals.

***AT LARGE.*** An animal shall be considered ***AT LARGE*** when it is off the property of its owner and not controlled by a leash, rope, or reins, under electronic control, or in the person's immediate control, or confined within a vehicle on a street or other enclosure.

***CAT.*** Any male or female feline.

***CLEAN.*** Premises which do not have offensive odor; do not have flies or other insects causing injury or illness to the animal(s); are free of physical hazards, such as glass or exposed nails; and are free of feces and urine that cause any unsanitary conditions in the enclosures(s) or the surroundings where the animals are kept.

***DANGEROUS ANIMAL.*** Any animal not contained on the owner of the animal's property and, upon review of the totality of circumstances, which poses an unacceptable risk of injuring a human, a pet, or property. Indicia of a ***DANGEROUS ANIMAL*** shall include, but not limited to, aggressive lunging, growling, snarling, nipping, and baring teeth.

***DOG.*** Any male or female canine.

***FOUL or POULTRY.*** Ducks, geese, turkeys, pheasants, peacocks, chickens, and other domestic game birds raised and/or maintained in confinement.

***LIVESTOCK UNIT.*** One horse or one cow, or one sheep or one goat, or one llama, and includes the offspring of any particular livestock unit until such offspring reaches seven months of age.

**NOISY ANIMAL.** Any dog which habitually, constantly, or frequently disturbs the sleep, peace, or quiet of any neighborhood.

**NUISANCE ANIMAL.** Any animal which trespasses on public or private property; is at large; damages, soils, defiles, or defecates on private or public property, other than that of its owner; causes garbage, which has previously been placed in a garbage or refuse container, to be strewn or deposited on private or public property; habitually, constantly, or frequently disturbs the peace of any neighborhood or person; chases pedestrians, bicyclists, or motor vehicles; attacks other domestic animals; or any noisy or vicious dog.

**OWNER.** Any person owning, keeping, or harboring a dog, cat, or other animal. Any person who shall permit an animal to habitually remain or to be fed in or about his or her premises shall be considered and be held to be the **OWNER** of such animal.

**RESTRAINT.** An animal is under **RESTRAINT** within the meaning of this chapter if it is within the property limits of its owner or keeper, or under actual physical control of said owner or keeper.

**VICIOUS ANIMAL.** Any animal which has attacked, menaced, or bitten any person without reasonable provocation, or any animal which has behaved in such a manner that the owner knows or should reasonably know that the animal is possessed of a tendency to attack, menace, or bite a person without reasonable provocation.

(Ord. 811, passed 2-11-2003; Ord. 856, passed - -2024)

## § 92.02 PERMITTING ANIMALS TO RUN AT LARGE UNLAWFUL.

It is unlawful, and punishable as provided in § 92.99, for any person to permit or allow dogs, ~~eats,~~ ~~foal,~~ poultry, or livestock of any kind, cattle, horses, hogs, mules, sheep, goats, or other livestock to run at large or be herded in or on any designated or public streets, alleys, vacant lots, vacant blocks, or parts thereof, within the limits of the town. The provisions of this section shall not apply to range stock driven through the streets of the town going to, or returning from, their accustomed range, or keeping animals as permitted by applicable town codes.

(Ord. 856, passed - -2024) Penalty, see § 92.99

## § 92.03 LIVESTOCK, POULTRY, FOWL.

(A) No person shall keep or harbor any domestic fowl, cattle, horses, sheep, goats, swine, domestic rabbits, or other livestock without a permit. Applications for permits shall be filed with the Town Clerk/Treasurer, together with the required application fee, which shall be set from time to time by the Town Council. A report of the application shall be made to the Town Council. The Council may approve or reject the application for the permit upon its discretion. Permits may be revoked by the Council without a hearing upon three days' notice to the permit holder. The holder of a permit issued has no property right in said permit. The application fee for the keeping of livestock, poultry or fowl shall be made annually and shall expire on May 30 of each year.

(B) Pursuant to a permit issued by the town, a person may keep or harbor no more than one livestock unit per 12,000 square feet of free space or 3,000 square feet of free space for a flock (12 birds) of domestic fowl (chickens, turkeys, ducks or geese) within the town. In calculating the free space available for livestock or domestic fowl. The square footage must be space available for the animals' use and shall not include any square footage unavailable for the animal's use or occupied by buildings or other improvements or used for other purposes. Such livestock unit and any pen, building, yard, shed, corral, or enclosure for such livestock unit shall be placed on the owner's property so that it is 25 feet distance from any neighboring property. All animals must be kept under conditions which comply with all applicable health, sanitation, nuisance and or safety ordinances, statutes, and regulations of the town, county, and state and local governments.

(C) Annual applications for livestock or domestic fowl permits shall be filed with the Town Clerk/Treasurer, together with the current application fee set by the Town Council per animal. A domestic fowl permit is one application per dozen birds (or a flock). The Council may approve the application upon the finding of the following.

(1) One livestock unit for every 12,000 square feet of free space or 3,000 square feet of free space for a flock of birds. The limitations and requirements may be deviated from the standard terms for a period of two (2) weeks so long as exceeding the limitation does not constitute a nuisance or health hazard, and Town Council approves any deviations in advance.

(2) All corrals, pens, or enclosures where livestock or domestic fowl are being kept shall be cleaned to the ground at least once per month for the period of December through March and twice per month for the period of April through November of each year. CLEANED TO THE GROUND means that all waste be removed and hauled away by a container to be disposed of at an approved solid waste dump site. Merely or reworked into the ground is not allowed. In addition, the owner must contain or remove all pooled urine or any contaminated water on the owner's property and lye applied and worked into the ground to clarify the ground for reuse.

(3) The owner of the permit should assure that the dust and other offensive properties involved in the keeping of livestock or domestic fowl shall be contained and the land should be kept in a condition suitable for revegetation and regrowth to minimize impacts of smell, dust, and other potential nuisances.

(D) Upon sale or transfer of a parcel of property for which a livestock permit has been previously issued, the permit shall remain valid for a period of 30 days from the date of sale. If the new property owner desires to hold a livestock permit after the 30 day-period, the new owners must file a new application for a livestock permit prior to the expiration of the post-sale 30 day-period. The Town Council shall consider whether the new permit application in the same manner as all permit applications.

(E) (1) Pursuant to a permit issued by the town, a person may keep or harbor poultry or other fowl within the town so long as any pen, yard, shed, or enclosure for such poultry or fowl is placed on the property so that it is 25 feet distance from any neighboring property.

(2) Such pen, yard, shed, or enclosure must be kept under conditions which comply with all applicable health, sanitation, nuisance, and safety ordinances, statutes, and regulations of the town, county, and state governments.

(F) Notwithstanding the above provisions, the town may issue a permit for specifically described 4-H projects which exceed the above-described unit limitations, but such permit shall only allow a person to keep or harbor such 4-H livestock or fowl for a specified term with the consent of the Town Council not to exceed one year.

(G) It is unlawful for any person to keep or maintain within the town any pen, building, yard, shed, or enclosure wherein any cattle, horses, mules, sheep, goats, or other livestock or any fowl are collected, kept, or fed by the owner, lessee, or occupant of any property therein except as provided in division (E) above, and a violation shall be deemed a misdemeanor punishable as prescribed in § 92.99 and as specified hereunder.

(H) No person shall leave any livestock unit or other animal or fowl without water for longer than 12 hours and without food for longer than 24 hours.  
(Ord. 825, passed 7-11-2006) Penalty, see § 92.99

#### **§ 92.04 ANIMAL NUISANCES; FERAL, WILD ANIMALS.**

(A) (1) Any person or person owning or maintaining any corral, pen, or other place within the town limits where horses, cattle, sheep, swine, poultry, or other animals shall be kept, that shall be nauseous or offensive to others or injurious to public health, as determined by the Town Council or other entity designated by the Town Council for this purpose, shall be deemed to be maintaining a nuisance, and any person or persons maintaining such nuisance 24 hours after being notified to remove the same by the town's law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council, and shall be punished as set forth in § 92.99(C).

(2) The Town Council or other entity designated by the Town Council for purposes of this section shall investigate all complaints made by any town residence pursuant to this section.

(B) No person shall keep, harbor, or allow any feral or wild animal to remain on his, her, or their property, and shall notify the town's law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council if such animals are present on his, her, or their property.  
(Ord. 811, passed 2-11-2003) Penalty, see § 92.99

**§ 92.05 CRUELTY TO ANIMALS GENERALLY.**

Any person who shall cruelly beat, injure, neglect to properly feed and care for, or shall otherwise abuse any animal shall be punished as set forth in § 92.99(D). No person shall allow any animal to be without water for more than 12 hours or without food for more than 24 hours.

(Ord. 811, passed 2-11-2003) Penalty, see § 92.99

***DOGS AND CATS*****§ 92.20 DEFINITIONS.**

For purposes of this subchapter, the definitions set out in § 92.01 above shall apply.

(Ord. 811, passed 2-11-2003)

**§ 92.22 KEEPING ANIMAL CONSTITUTING NUISANCE.**

It is unlawful to own or keep any dog or cat which is a nuisance within the corporate limits of the town. Any person convicted of violating this provision shall be punished as set forth in § 92.99(E).

(Ord. 811, passed 2-11-2003) Penalty, see § 92.99

**§ 92.23 VICIOUS, DANGEROUS ANIMALS.**

(A) No person shall own, keep, or harbor, or allow to be upon any premises occupied by him or her, or under his or her charge or control, any vicious animal without having such animal properly secured and muzzled. Upon conviction of any person violating this section, the court may, in addition to the punishment provided for in § 92.99, order any law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council to immediately cause such animal to be destroyed and, for that purpose, any officer or person charged with such duty shall have the right to enter upon any premises within the town.

(B) Notice of quarantine and notice of right to hearing shall be served upon the owner immediately upon quarantine. Notice of hearing shall be served pursuant to State Rules of Procedure.

(Ord. 856, passed - -2024) Penalty, see § 92.99

**REGISTRATION****§ 92.35 VACCINATION AND RABIES CONTROL; ANIMAL BITES.**

Any person having knowledge that an animal has bitten a human shall immediately report that incident to the town or the County Health Officer, together with the name and address of the person or persons bitten, if known.

(Ord. 856, passed - -2024)

**§ 92.36 PUBLIC SAFETY MEASURES.**

(A) Any dog, cat, or animal of a vicious or dangerous nature found upon any property, public or private, not the premises of the owner may, if such animal cannot be safely taken up and impounded by reasonable means, be euthanized by any law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council.

(B) No vicious or dangerous animal shall be unconfined on its owner's premises. A vicious or dangerous animal is "unconfined" if the animal is not secured indoors or confined in an enclosed and locked pen or upon the premises of the owner. Any pen or run area shall be suitable to confine the animal and to prevent the entry of young children or people other than the owner of the animal. The pen or run area must have all sides at least six feet high and a secure top. No side of the pen or run can be part of the perimeter property fence. If the pen or run structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot.

(C) (1) The owner of a vicious or dangerous animal shall immediately notify the town of the animal's escape or release, that the animal is loose, unconfined, has attacked another animal or human being, or has died or has been sold or given away or relocated in any manner. If the vicious animal has been sold or given away, or if the current owner moves within the jurisdiction of the town, the owner or keeper shall provide the town with the name, address, and telephone number of the new owner or the new address of the current owner.

(2) Upon sale or conveyance, the new owner must comply with the requirements of this section at any subsequent location or residence within the town.

(D) If any law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council, has probable cause to believe that a vicious or dangerous animal is being kept, harbored, or cared for in violation of this chapter, the Animal Control Officer may seize and impound the animal if it is on property not of the owner, or seek a court order to impound the animal until a hearing on the matter may be held or until the owners have built or bought an enclosure to protect the public, as provided in this chapter, and/or otherwise addressed by the court's order.

(E) If a vicious or dangerous animal is impounded, the animal shall be held pending trial and disposition of the case. If the court is convinced the public will be protected by specific actions ordered by the court or agreed upon by the court and owners, thereafter the court may or may not declare the animal to be "dangerous or vicious."

(Ord. 856, passed - -2024)

#### **§ 92.37 CONTINUATION OF DANGEROUS, VICIOUS ANIMAL DECLARATION.**

(A) Any animal that is declared dangerous or vicious by any agency or department of this town, another municipality, county, or state, shall be subject to the provisions of this chapter. The person owning or having custody of any animal designated as dangerous or vicious by any municipality, county or state government shall notify the town of the animal's address and conditions of maintenance within ten days of moving the animal into the town.

(B) The restrictions and conditions of maintenance of any animal declared dangerous or vicious shall remain in force while the animal remains in the town.

(C) No prior dangerous or vicious animal designation issued by another jurisdiction based solely on size, breed, or mix of breeds shall be subject to this section.

(Ord. 856, passed - -2024)

#### **§ 92.38 ANIMALS NOT REGISTERED SHALL BE PICKED UP.**

Any dog or cat found within the town limits without a check or tag, as herein required, is declared to be a public nuisance. Upon notice to the owner, it is the duty of the town's law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council, to pick up and confine any such animal for a period not to exceed seven days, and for that purpose any officer charged with such duty shall have the right to enter any premises within the town.

(Ord. 811, passed 2-11-2003) Penalty, see § 92.99

#### **§ 92.39 IMPOUNDMENT.**

The owner or agent of any impounded animal shall have the privilege of claiming such animal within seven days after it is impounded, upon the payment of all pound costs incurred by the governing body, in addition to securing a registration for said animal for the current year, within five days of the redemption of said animal.

(Ord. 811, passed 2-11-2003)

**§ 92.40 DISPOSAL OF UNCLAIMED ANIMALS.**

Any impounded animal not claimed by the owner within seven days may be given to any person who will secure a license for said animal as hereinbefore provided, and pay all impound costs incurred by the governing body, as provided in § 92.39. Any animal not claimed within five days, as heretofore provided, shall be humanely disposed of.

(Ord. 811, passed 2-11-2003)

**§ 92.41 REGISTERED DOGS AND CATS.**

Except as provided in this section, no person, other than an officer in the performance of his or her duty, shall deprive a registered animal of its collar or tag, or purposely kill or cause to be killed any animal which has been registered and licensed as provided in this subchapter, without the consent of the owner or agent of such animal.

(Ord. 811, passed 2-11-2003) Penalty, see § 92.99

**§ 92.42 KENNEL LICENSE.**

(A) It is unlawful for any person to keep or harbor more than three dogs over the age of six months in a given residence without first having obtained a special kennel license for such keeping or harboring. The fee for such license shall be as set from time to time by the governing body, and such license must be renewed annually.

(B) All kennels must comply with all requirements of this chapter, including § 92.04 on animal nuisances. The granting of such license shall be determined on a case by case basis.

(Ord. 811, passed 2-11-2003) Penalty, see § 92.99

**§ 92.43 DOGS MAY BE ORDERED CONFINED, MUZZLED.**

(A) The Mayor is authorized, and it is his or her duty, whenever in his or her opinion danger to the public safety is made imminent, to issue his or her proclamation ordering persons owning, keeping, or harboring any dog, to confine the same by good and sufficient means to his or her premises, or to have such dog properly and securely muzzled during the time specified in such proclamation.

(B) Any dog found running at large within the town during the time so specified, without being properly and securely muzzled, may be killed by any person or officer.

(Ord. 811, passed 2-11-2003)

**§ 92.44 FEMALE DOGS.**

It is unlawful for any owner or keeper of any female dog to permit or suffer such dog to run at large within the town limits while she is in heat, whether she has the proper license tag on her or not; and every such dog found running at large within the town limits may be killed by any officer.  
(Ord. 811, passed 2-11-2003) Penalty, see § 92.99

***AT LARGE; IMPOUNDMENT*****§ 92.55 IMPOUNDMENT AUTHORITY.**

The town's law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council, shall have the authority to take up and impound all animals named in §§ 92.02, 92.21, and 92.44 found at large or being herded in the town.  
(Ord. 811, passed 2-11-2003)

**§ 92.56 FEE.**

(A) The town's law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council, shall be and they are empowered to collect from the owner or person in charge of any animal impounded, pursuant to §§ 92.02, 92.21, and 92.44, before delivering them up, or releasing them, costs incurred for impoundment, care, and maintenance of said animals as may be set from time to time by the governing body.

(B) (1) The owner of any dog or cat so impounded may reclaim the same upon payment of all costs and charges incurred by the town for impounding and maintaining such animal, which charges may be fixed from time to time by the governing body.

(2) No unlicensed dog or cat may be reclaimed, unless the person reclaiming the same shall pay, in addition to the charges fixed in division (B)(1) above, the necessary license fees to properly license such animal.

(Ord. 811, passed 2-11-2003) Penalty, see § 92.99

**§ 92.57 NOTICE.**

The town's law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council, shall notify the owner of any and all animals impounded under this subchapter within 24 hours after the same have been taken up; provided, such owner or owners can be

located in the limits of said town; provided, further, that if the owner or owners cannot be found in the corporate limits of said town, notice shall be given to such owner or owners, if ascertained, by posting in the United States Post Office at the town, a letter containing a notice of impounding, with the proper postage affixed, and addressed to the last known address of such owner or owners.

(Ord. 811, passed 2-11-2003)

#### **§ 92.58 DISPOSITION.**

(A) If any animal impounded pursuant to this subchapter shall not have been claimed by its owner within five days from the impounding date and all fees, charges, and expenses of such impoundment paid, notice shall be posted on the front door of the Town Hall. Said notice shall specify said impounded animals description and disposition at a specific date and time and place within the town, indicating that said animal may be adopted or otherwise disposed of. If such animal is sold, the receipts of such sale shall pay into the treasury the amounts due upon said animal or animals, and in addition shall pay into the treasury any surplus then remaining, which surplus shall be kept for the use and benefit of the owner or owners of such animal or animals then claimed, subject to any fine or penalties that may be imposed under the ordinances of the town. On January 1 of each and every year thereafter, any funds so remaining in the hands of the Town Clerk/Treasurer shall be transferred into the General Fund of the town treasury.

(B) Any dog or cat impounded under this subchapter which is not claimed by the owner within seven days may be given to any person who will secure a license for the animal and who will pay the impound fees provided for in this subchapter. Any animal not claimed within seven days or given away as provided for herein shall be destroyed in a humane manner. *Except those animals subject to Section 92.61*

(Ord. 811, passed 2-11-2003)

#### **§ 92.59 DUTY OF OFFICER.**

It shall be the duty of the town's law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council, to take up and impound any dog or cat found running at large, and they may do so without the necessity of filing a complaint.

(Ord. 811, passed 2-11-2003)

#### **§ 92.60 COSTS TO OWNER.**

Upon the impounding of any dog or cat running at large, the owner of such animal, if known, or who can be ascertained, shall be forthwith notified by the officer, which notice shall be by telephone or in person and be written notice advising of the fact of the impounding of such animal and the date of impoundment. If the owner is unknown or notice cannot be given to the owner, then, and in such event,

notice shall be given by posting the same on the front door of the Town Hall describing the animal so impounded and the place and time of taking.

(Ord. 811, passed 2-11-2003)

#### **§ 92.61 IMPOUNDMENT, QUARANTINE OF VICIOUS, DANGEROUS ANIMALS.**

(A) Any animal that attacks or bites any person in any place may be impounded by order any law enforcement entity, Animal Control Officer, or other person authorized or designated by the Town Council, in an animal shelter of the town's choosing, or other appropriate place and held in quarantine for at least ten days after the attack to determine if the animal has any disease which may be communicated to humans; provided, however, that no animal shall be quarantined if the animal's owner or custodian presents a valid rabies vaccination certificate showing that the animal has been vaccinated by a licensed veterinarian within the preceding 12 months of the attack. The costs for impoundment, quarantine, testing, and veterinarian fees shall be paid by the owner or custodian of the animal at the current rates. The costs shall be paid at the time of impoundment. If costs are not paid within five days of the impoundment, the animal shall become the property of the town.

(B) At the end of the quarantine period, a veterinarian shall examine the animal and may release the animal from quarantine, require additional quarantine time for further examination, or euthanize the animal. The owner or custodian of the animal shall pay further quarantine fees and expenses.

(C) Upon release from quarantine and impoundment, at the owner's or custodian's expense, the animal shall be vaccinated for rabies, and issued a town license, if appropriate.

(Ord. 856, passed - -2024)

#### **§ 92.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) The fines for violation of § 92.03 shall be the same as those set forth in the bond schedule for animals at large. In the event a continuing nuisance is involved, additional fines may be imposed on a daily basis not to exceed \$750 a day.

(C) Any person who violates § 92.04 shall be deemed guilty of a misdemeanor. The penalty for violation of § 92.04 shall be as prescribed in § 10.99.

(D) Any person who violates § 92.05 shall be deemed guilty of a misdemeanor.

(E) Any person who violates § 92.22 is deemed guilty of a misdemeanor and the penalty for such violation shall be that set forth in § 10.99.

(Ord. 811, passed 2-11-2003; Ord. 825, passed 7-11-2006)



## **TITLE XI: BUSINESS REGULATIONS**

### **Chapter**

**110. ALCOHOLIC BEVERAGES**

**111. TRANSIENT MERCHANTS, PEDDLERS, SOLICITORS,  
CANVASSERS**



## **CHAPTER 110: ALCOHOLIC BEVERAGES**

### **Section**

#### ***General Provisions***

- 110.01 Definitions
- 110.02 Prohibited acts generally
- 110.03 Location, regulation, restrictions as to places of sale

#### ***Licenses and Permits***

- 110.15 Required; exception
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#### ***Retail Liquor Licenses***

- 110.30 Restrictions on issuance
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- 110.34 Term; transfer; refund of fees
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- 110.37 Fees
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**GENERAL PROVISIONS****§ 110.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALCOHOLIC LIQUOR.** ~~Any spirituous and/or fermented fluid intended for beverage purposes containing more than 4% of alcohol by volume.~~ FOLLOW STATUTE 12-1-101(a)(i)

**BOTTLE CLUB.** An operation or enterprise whereby space is given or rented to any person upon the club premises for the keeping or storage of alcoholic or malt beverages for consumption upon the club premises, or in other rooms nearby used for consumption of the beverages by the owner or guests; the income, profits, or fees of the operator of the **BOTTLE CLUB** being secured from sales or furnishing mixes, ice, food, or glasses or from dues, charges, contributions, membership cards, or assessments.

**CLUB.** A fraternal organization, not including college fraternities, labor unions, or associations organized for commercial purposes or profit, which is a member of, and holds a charter from, a national organization, and which owns or leases a building or space in a building for the use and accommodation of its members and guests.

**DRUGSTORE.** A suitable space in a building kept, used, maintained, advertised, and held out to the public to be a place where drugs and medicines are sold and prescriptions compounded, and where a registered pharmacist is regularly employed.

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

**MALT BEVERAGE.** ~~Any fluid of any name or description manufactured from malt, wholly or in part, or from any substitute therefor, containing more than 1% of alcohol by volume.~~ FOLLOW STATUTE 12-1-101(a)(i)

**MALT BEVERAGE PERMIT.** The authority under which the sale of malt beverages is authorized for specifically limited periods or as hereinafter otherwise provided.

**ORIGINAL PACKAGE.** Any bottle, flask, jug, cask, barrel, keg, hogshead, or other receptacle or container used, corked, or capped, sealed, or labeled by the manufacturer of alcoholic beverages, containing any alcoholic beverage.

**RETAIL LIQUOR DEALER.** A retail liquor dealer shall be any licensee who sells alcoholic or malt liquors under a retail liquor license.

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

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

**SELL; SALE.** Including offering the sale, and trafficking, on sidewalks, highways, streets, or alleys and shall be used for orders, sales, or delivery; alcoholic or malt beverages shall be sold and delivered in said area only in the original, unopened package, and consumption of alcoholic or malt beverages in such drive-in area shall not be permitted.

(Prior Code, § 3-1)

## § 110.02 PROHIBITED ACTS GENERALLY.

(A) *Sales, and the like, to drunkards, and the like; permitting persons under 21 on premises.* Every holder of a license issued under the provisions of this chapter, or his or her servant or employee who sells, gives, or delivers alcoholic or malt beverages to ~~any drunkard or any incompetent person~~, who permits any person under the age of 21 to enter or remain in the place, except as provided by state law, in which he or she sells intoxicating or malt liquors, shall be punished as set forth in § 110.99(B)(2).

(B) *Sales, and the like, to persons under 21.* Every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic or malt beverage to any person under the age of 21, who is not his or her legal ward, medical patient, or member of his or her own immediate family, shall be punished as set forth in § 110.99(B)(3). A motor vehicle operator's license, a registration certificate issued under the federal Selective Service Act, an identification card issued to a member of the armed forces, or a state liquor purchase identification card, is prima facie evidence of the age and identity of a person. Proof that a licensee, or his or her employee or agent, demanded, was shown, and acted in reasonable reliance upon the information contained in any one of the above documents of identification, is a defense to any criminal prosecution or to any proceeding for the suspension or revocation of any license hereunder.

(C) *Person under the influence of or in possession of beverages.*

(1) Any person who has any unsealed alcoholic or malt beverage in his or her possession, ~~or who is drunk or under the influence of intoxicating liquor or drugs or malt beverages~~, on any street or highway, or in any public place is guilty of a misdemeanor.

(2) This division (C) shall not apply to possession by a person making a delivery of such alcoholic beverages pursuant to his or her employment.

(3) No person shall appear or be present in any public place while under the influence of alcohol, narcotics or other non-prescribed mind altering substance(s) to the extent that such person creates a nuisance or spectacle, or any other indecent or obnoxious conduct or act.

(D) *Falsification of IDs; use of false IDs.* Any person under the age of 21 who falsifies any identification or who uses any false identification in order to obtain intoxicating liquor or beverages shall be punished as set forth in § 110.99(B)(4).  
(Prior Code, § 3-2)

### § 110.03 LOCATION, REGULATION, RESTRICTIONS AS TO PLACES OF SALE.

(A) *Location.*

(1) 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.

(2) The additional dispensing room may be on any floor. The licensee shall pay an additional fee equal to two-thirds of the fee paid for the retail license for authority to operate the additional dispensing room. Alcoholic beverages secured in the licensed room by a server may be served only in the building in which the licensed room is located.

(B) *Items which may be sold.* Only alcoholic and malt beverages, non-alcoholic beverages, food, and tobacco may be sold and served in the licensed room.

(C) *Gambling.* No gambling shall be permitted in a licensed room or dispensing rooms.

(D) *Inspection of premises.* The governing body which issued the license shall, as often as may be deemed necessary, inspect the licensed room and adjoining rooms where alcoholic beverages are served to determine whether or not requirements as to sanitation and fire hazards are being complied with.

(E) *Separation of premises.*

(1) The retail licensee may separate the facility for the sale of alcoholic and malt beverages for off-premises consumption from the facility used to serve customers for on-premises consumption. In such case the facility for making sales for off-premises consumption shall be located adjoining the facility for making sales for on-premises consumption.

(2) The two 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 facilities.

(3) No additional fee shall be assessed against a licensee who separates the licensed premises in this manner.

(F) *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 referred to in division (A) above.

(Prior Code, § 3-7)

### ***LICENSES AND PERMITS***

#### **§ 110.15 REQUIRED; EXCEPTION.**

It shall be unlawful for any person to sell, offer for sale, traffic in, barter, deliver for value, exchange for goods, services, or patronage, or exchange in any way other than purely gratuitously any alcoholic or malt beverage in the town without first obtaining a retail liquor license, special club license, restaurant license, resort license, or catering permit from the Town Council; provided, however, that this section shall not apply to wholesale sales of malt beverages by persons holding a license therefor issued by the State Liquor Commission.

(Prior Code, § 3-9) Penalty, see § 110.99

#### **§ 110.16 HOSPITALS; RELIGIOUS ORGANIZATIONS; DOCTORS, DENTISTS.**

An alcoholic beverage permit shall be required for the purchase or use of alcoholic or malt liquors by hospitals, religious organizations and licensed physicians and dentists, but such permits shall not authorize resale and shall be issued gratis by the governing body.

(Prior Code, § 3-10)

#### **§ 110.17 FRATERNAL CLUBS.**

(A) Bona fide fraternal clubs with national organizations shall be licensed under a limited retail liquor license for which they shall pay license fee the current set by Town Council in advance, which said license fee shall be paid to the municipality.

(B) No club holding such a license shall sell alcoholic or malt beverages for consumption anywhere except the building or space in the building or the premises leased or owned by such club for the use of

its members and guests and it shall be the duty and obligation of such club to so check and regulate sale to members and guests that any and all alcoholic or malt beverages sold by it shall be consumed in such building, space, or premises.

(Prior Code, § 3-11) Penalty, see § 110.99

#### **§ 110.18 MALT BEVERAGE PERMITS.**

(A) Applicants for a malt beverage permit shall make request known, no less than 48 hours prior to the event. Applications will be reviewed by the Mayor or designee and the Town Clerk/Treasurer or designee.

(B) No person or organization holding such permit shall sell any alcoholic liquor except malt liquors on the premises described on the permit.

(C) The permit shall be issued only for the day or days named therein and it shall not authorize the sale of malt liquors for more than two days by any one person or organization in any one calendar year except for a picnic, bazaar, fair, rodeo, or similar public gathering.

(D) The permit will be issued by the Town Clerk/Treasurer or designee without public notice or hearing, to any responsible person or organization for the sale of malt liquors only at a picnic, bazaar, fair, rodeo, or similar public gathering.

(E) The Town Council may attach rules and regulations and other stipulations they deem appropriate to this permit, as the Council may set from time to time by resolution.

(Prior Code, § 3-12) Penalty, see § 110.99

#### **§ 110.19 OPEN CONTAINER PERMIT.**

(A) A 24-hour open container permit may be granted or denied at the sole discretion of the Town Council without public notice or hearing. The Town Council may attach rules and regulations, hours, and such other stipulations as they deem appropriate to such permit.

(B) The permit shall be issued only for the day or days named therein and it shall not authorize open containers for more than two days by any one person or organization in any one calendar year.

(C) Nothing in this section shall be construed to substitute the permit granted herein for retail licenses for resale, permits for resale, or similar provisions of this code.

***RETAIL LIQUOR LICENSES***

**§ 110.30 RESTRICTIONS ON ISSUANCE.**

(A) A license or permit authorized by this code shall not be held by, issued, or transferred to:

(1) The Mayor or a member of the Town Council within the town;

(2) Any person employed by the state or a city, town, or county as a law enforcement officer, or who holds office as a law enforcement officer through election;

(3) Any person who does not own the building in which the sales room is located or hold a written lease for the period for which the license will be effective, containing an agreement by the lessor that alcoholic or malt beverages may be sold upon the leased premises, except as provided by division (A)(4) below;

(4) Any licensee whose building in which alcoholic or malt beverages may be sold is not in existence or operational within two years after a license or permit has been issued;

(5) A manufacturer of alcoholic beverages or wholesaler of malt beverages;

(6) A minor;

(7) A college fraternity or organization created by one or more college fraternities;

(8) A chamber of commerce;

(9) A corporation which is not qualified to do business in the state;

(10) An individual who is not a resident; and

(11) Any partnership or group of two or more persons unless each individual interested, directly or indirectly, is a resident.

(B) No person or entity shall be issued more than one license.

(Prior Code, § 3-13) Penalty, see § 110.99

**§ 110.31 APPLICATIONS GENERALLY.**

(A) Any person desiring a license or permit authorized by this code shall apply to the Town Council. The application shall be made under oath upon a form to be prepared by the attorney general and furnished to the Town Council. The application shall be filed in the office of the Town Clerk/Treasurer and shall contain the following provisions:

(1) The location and a description of the room in which the applicant will sell under the license if the building is in existence at the time of application. If the building is not in existence, the location and an architect's drawing or suitable plans of the room and premises to be licensed;

(2) The age and residence of the applicant, and of each applicant or partner if the application is made by more than one individual or by a partnership;

(3) A disclosure of any criminal record of the applicant or any partner equal to a felony conviction under state law and of any conviction for a violation of state law relating to the sale or manufacture of alcoholic liquor or malt beverages within ten years prior to the filing of the application;

(4) If the applicant is a corporation:

(a) The name, age, and residence of each officer, director, and stockholder holding, either jointly or severally, 10% or more of the outstanding and issued capitol stock of the corporation; and

(b) Whether any officer, director, or stockholder with 10% or more ownership has been convicted of a violation of law as provided in division (A)(3) above.

(5) A statement indicating the financial condition and financial stability of the applicant; and

(6) The site and the zoning of the site where the applicant will sell under the license.

(B) No person or partner shall have any interest, directly or indirectly, in a license or permit unless he or she signs and verifies the application for the license or permit. No corporation shall be granted a license or permit unless two or more of the officers or directors sign and verify the application on behalf of the corporation, and also verify upon their oath as individuals that the statements and provisions are true.

(Prior Code, § 3-14) Penalty, see § 110.99

**§ 110.32 HEARING ON APPLICATION.**

(A) *Publication of notice.* When an application has been filed in the office of the Clerk/Treasurer of the municipality, it shall be the duty of such Clerk/Treasurer to promptly publish, once a week for four

consecutive weeks, in a newspaper of general circulation in the municipality and also display conspicuously on the premises which the applicant desires to use as the place of sale, a notice that such applicant has made application for a license and that protests against the issuance of a license to the applicant will be heard at a time stated in the notice, which shall be at a special or regular meeting of the governing body. Notices may be substantially in the following form:

NOTICE OF APPLICATION FOR A \_\_\_\_\_

Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, one (name of applicant) filed an application for a \_\_\_\_\_ license, in the office of the Clerk/Treasurer of the city (or town or county) of \_\_\_\_\_ for the following described place (and/or room) (insert description) and protests, if any there be, against the issuance of such license will be heard at the hour of \_\_\_\_m., on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, in the (meeting place of the governing body).

Dated \_\_\_\_\_ Signed \_\_\_\_\_

(B) *Factors prohibiting issuance.* No license shall be issued until on or after the date set in the notice for hearing protests. Nor shall a license under this subchapter be issued and granted if the governing body to which the application is made shall find from evidence at said hearing that the welfare of the people residing in the vicinity of the place for which such license is desired will be adversely and seriously affected or that the purpose of this subchapter will not be carried out by the issuance of such license. Each applicant shall, at the time of filing his or her application, pay the Clerk/Treasurer an amount sufficient to cover the costs of publishing notice.

(Prior Code, § 3-15) Penalty, see § 110.99

### § 110.33 ISSUANCE OR DENIAL, GENERALLY.

(A) Any license or permit authorized under this subchapter shall not be issued, renewed, or transferred until on or after the date set in the notice for hearing protests. If a renewal or transfer hearing, the hearing shall be held no later than 30 days preceding the expiration date of the license or permit. A license or permit shall not be issued, renewed, or transferred if the Town Council finds from evidence presented at the hearing:

(1) The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely or seriously affected;

(2) The purpose of this title shall not be carried out by the issuance, renewal, or transfer of the license or permit;

(3) The number, type, and location of existing licenses or permits meet the needs of the vicinity under consideration;

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(4) The desires of the residents of the town will not be met or satisfied by the issuance, renewal, or transfer of the license or permit; or

(5) Any other reasonable restrictions or standards which may be imposed by the Town Council shall not be carried out by the issuance, renewal, or transfer of the license or permit.

(B) The owner and holder of an expired liquor license or permit, or one due for expiration, has a preference right to a new license for the same location. After the required notice and a public hearing, each application claiming renewal preference shall be promptly considered and acted upon by the Town Council.

(C) When any application is filed with the Town Council, the Town Council shall immediately forward a copy of the application to the Commission. Upon approval or denial of an application, the Town Council shall promptly notify the Commission.

(D) An applicant for a renewal license or permit may appeal to the District Court from an adverse decision by the Town Council. No applicant for a new license shall have a right of appeal from the decision of the Town Council denying an application.

(Prior Code, § 3-16)

**§ 110.34 TERM; TRANSFER; REFUND OF FEES.**

(A) (1) A license shall be a personal privilege good for one year unless sooner revoked. Upon approval of the governing body, the license may be renewed on different premises on the same basis as an original application, except for the payment of the license fee, which renewed license shall expire as of the date as the original license.

(2) The owner of such license, by an actual bona fide sale to be made in good faith, may, if proceedings are not pending to suspend, revoke or otherwise penalize the license holder, assign and transfer such license and the assignee or transferee thereof, subject to the condition and approval hereinafter stated, may exercise the privilege of continuing the business authorized by such license, without the payment of any additional license fee, until the expiration of same, upon the express condition, however, that such assignee or transferee shall first make and file a sworn application showing the qualifications of such person or assignee or transferee to take and hold a retail liquor license as required by § 110.15 and subject to the approval of the governing body; provided that the governing body shall notify in writing the State Liquor Commission at least ten days prior to approval of such transfer or sale.

(B) Except as provided by this section and state law, no license shall be transferred or sold, nor shall it be used for any place not described in the license at the time of issuance, nor shall it be subject to

attachment, garnishment, or execution. No refund of all or any part of any license fee shall be made at any time following the issuance thereof.

(Prior Code, § 3-17) Penalty, see § 110.99

### **§ 110.35 RENEWALS.**

(A) *Preference.* Upon the expiration of any license, the owner and holder thereof shall have a preference right to a new license for the same location, if such license may be granted under this subchapter and application therefor conforming with requirements of § 110.31, shows that such licensee is otherwise qualified to receive such new license.

(B) *To be promptly considered; publication of notice.* Each application claiming renewal preference shall be promptly considered and decided by the governing body after publication or other notice provided by § 110.32.

(C) *Appeals.* Any such applicant owning and holding a license which is expiring and who has applied for a new license, and whose application for a new license has been denied by such governing body, may have an appeal from such decision to the District Court sitting within and for the county in which the governing body is situated.

(Prior Code, § 3-18)

### **§ 110.36 SIGNING, ATTESTATION; CONTENTS; DISPLAY.**

(A) Each license issued by the municipality shall be signed by the Mayor and attested by the Clerk/Treasurer.

(B) The following shall be shown in each license:

- (1) The name of the licensee;
- (2) A description of the place in which alcoholic and/or malt beverages may be sold;
- (3) The date of issuance; and
- (4) The amount of the fee and that the same has been paid.

(C) Each licensee shall display his or her license in a conspicuous place in the licensed room.  
(Prior Code, § 3-19)

**§ 110.37 FEES.**

Every person licensed as a retail dealer by the provisions of this subchapter shall pay annually in advance, for a license hereunder, such sum as the governing body has established as the fee for such license. The license fee shall be paid to the Clerk/Treasurer of the municipality before the license is issued.

(Prior Code, § 3-20)

**§ 110.38 ISSUANCE OF LIQUOR LICENSE BY CATEGORY.**

(A) Liquor licenses issued by the Town Council shall be categorized as follows:

- (1) Retail liquor license;
- (2) Special club license;
- (3) Resort license;
- (4) Restaurant license; and
- (5) Catering permit.

(B) Each applicant for a license must comply with the following restrictions and requirements for the issuance of a license within his, her, or their respective category.

(1) *Retail license.* Licensees permitted to sell alcoholic liquor or malt beverages for use or consumption but not for resale.

(2) *Special club license.* The applicant must be a bona fide club, as defined by Wyo. Stat. § 12-1-101(a)(iii). At least 51% of the membership of a social club, as defined by Wyo. Stat. § 12-1-101(a)(iii)(E), shall sign a petition, prescribed by the State Liquor Commission, indicating a desire to secure a special club license. A club holding a special club license shall not sell alcoholic or malt beverages for consumption anywhere except within the licensed premises and for consumption by its members and their accompanied guests only.

(3) *Resort license.*

(a) Applicants must be owners or lessees of a resort complex which has an actual valuation of, or the applicant shall have committed or expended on the complex, not less than \$1,000,000, excluding the value of the land.

(b) The complex must include a restaurant and convention facility which facility seats not less than 100 persons and includes motel or hotel accommodations with a minimum of 100 sleeping rooms. No resort license may be transferred to another location, but license ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the Town Council.

(c) Resort licenses shall not sell alcoholic or malt beverages for consumption off the premises.

(4) *Restaurant license.*

(a) Applicants must submit a valid food service permit upon application. The applicant must satisfy the Town Council that the primary source of revenue from the operation of the restaurant will be derived from food services. The applicant, for renewal, must present a profit and loss statement audited by a recognized public accountant, separated into two categories, and showing a breakdown of gross sales indicating that not less than 60% of gross sales from the preceding 12 months of operation was derived from food services:

1. Food service sales; and
2. Alcoholic and malt beverage sales.

(b) No restaurant license shall be transferred to another location, but license ownership may be transferred to a purchaser or lessee of the licensed premises with the approval of the Town Council. Restaurant licensees shall not sell alcoholic or malt beverages for consumption off the premises. Alcoholic and malt beverages shall be dispensed and prepared for consumption in one room upon the licensed premises separated from the dining area where served. No consumption of alcoholic or malt beverages shall be permitted in the dispensing room, nor shall any person other than employees over 19 years of age be permitted to enter the dispensing room. If a restaurant has a dispensing room separate from the dining area which was licensed prior to February 1, 1979, for the purposes of alcoholic or malt beverage sales and consumption, the restaurant may dispense alcoholic or malt beverages in the separate dispensing room under a restaurant license, and any person over the age of 19 is permitted to enter the separate dispensing room.

(5) *Catering permit.*

(a) The Town Council may issue a catering permit to any person holding a retail liquor license. A catering permit shall entitle the holder to sell alcoholic or malt beverages off premises at meetings, conventions, private parties, and dinners or similar gatherings not capable of being held within the licensed premises. No permit holder shall sell or permit consumption of alcoholic or malt beverages off the premises described in the permit. The permit shall be for 24 hours and the hours of sale must conform to state site.

(b) A retail license holder may only receive 36 catering permits within a 12-month period. The Town Council may authorize a permit without public notice or hearing.  
(Prior Code, § 3-21) Penalty, see § 110.99

#### **§ 110.99 PENALTY.**

(A) 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 shall be sufficient to cause for the suspension, and in the case of gross violation the revocation, of the license of the licensee.  
(Prior Code, § 3-8)

(B) (1) Any person who violates any of the provisions of § 110.02, or aids, abets, or incites any violation hereof, is guilty of a misdemeanor and upon conviction shall be punished as provided in § 10.99.

(2) Any person who violates § 110.02(A) is guilty of a misdemeanor.

(3) Any person who violates § 110.02(B) is guilty of a misdemeanor.

(4) Any person who violates § 110.02(D) is guilty of a misdemeanor.  
(Prior Code, § 3-2)

## **CHAPTER 111: TRANSIENT MERCHANTS, PEDDLERS, SOLICITORS, CANVASSERS**

### **Section**

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- 111.02 Bonds
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- 111.21 Filing and contents of applications
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- 111.29 Application for license to do business

### ***GENERAL PROVISIONS***

#### **§ 111.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CANVASSER or SOLICITOR.** Any individual, whether a resident of the municipality or not, traveling either by foot, or any type of conveyance, from place to place or from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not; provided, that such definition shall include any person who, for himself or herself, or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop, or any other place within the municipality for the sole purpose of exhibiting samples and taking orders for future delivery.

**PEDDLER.**

(1) Any person, whether a resident of the municipality or not, traveling by foot, wagon, automobile, vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers; provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this chapter shall be deemed a **PEDDLER** subject to the provisions of this chapter.

(2) The word **PEDDLER** shall include the words **HAWKER** and **HUCKSTER**.

**TRANSIENT MERCHANT.**

(1) Any person, whether as owner, agent, consignee, or employee, whether a resident of the municipality or not, who engages in a temporary business of selling and delivering goods, wares, and merchandise, and who, in furtherance of such purpose, hires, leases, uses, or occupies any building, structure, motor vehicle, tent, railroad boxcar or boat, public rooms in hotels, lodging houses, apartments, shops, or any streets, alleys, or other places for the exhibition and sale of such goods, wares, and merchandise, either privately or at public auction.

(2) Provided, that such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only.

(3) The term **TRANSIENT MERCHANT** shall include the terms **ITINERANT MERCHANT** and **ITINERANT VENDOR**.

(Prior Code, § 14-1)

**§ 111.02 BONDS.**

(A) Before any license to engage in any business regulated by this chapter shall be issued, the applicant for such license shall file with the Municipal Clerk/Treasurer a bond running to the municipality in the sum of \$1,000 executed by the applicant as principal, and two sureties upon which service of process may be made in the state; such bond to be approved by the Municipal Attorney conditioned that the applicant shall comply fully with all of the provisions of this chapter and all of the provisions of this code and state law regulating and concerning the business for which the applicant seeks a license and the payment of license fees, and will pay all judgments rendered against the applicant for any violation of such laws together with all judgments and costs that may be recovered against him or her by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares, and merchandise sold or any part thereof.

(B) Action on the bond may be brought in the name of the municipality to the use of the municipality or aggrieved person, as the case may be, and such bond must be approved by the Municipal Attorney both as to form and as to the responsibility of the sureties thereon.  
(Prior Code, § 14-2)

**§ 111.03 SERVICE OF PROCESS.**

(A) Before any license shall be issued for engaging in any business regulated by this chapter, such applicant shall file with the Municipal Clerk/Treasurer an instrument nominating and appointing the Municipal Clerk/Treasurer his or her true and lawful agent with full power and authority to acknowledge service or notice of process for and on behalf of the applicant in respect to any matter connected with or arising out of the business transacted under such license and the bond given as required by this chapter, or for the performance of the conditions of such bond or for any breach thereof, which instrument shall also contain recitals to the effect that such applicant for license consents and agrees that service of any notice or process may be made upon the agent, and when so made shall be taken and held to be as valid as if personally served upon the person applying for the license under this chapter, according to the law of this state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service.

(B) Immediately upon service of process upon the Municipal Clerk/Treasurer, as herein provided, the Municipal Clerk/Treasurer shall send to the licensee at his or her last known address, by registered mail, a copy of such process.  
(Prior Code, § 14-3)

**§ 111.04 SIGNS PROHIBITING PEDDLERS AND SOLICITORS.**

It shall be unlawful for any peddler or solicitor or canvasser to ring the door bell or knock on the door of any residence, dwelling, flat, or apartment whereon a sign bearing the words "No Peddlers," or other words of similar import is painted or affixed or exposed to public view, or to attempt to gain admittance thereto. Provided, that the provisions of this section shall not apply to any solicitor or canvasser who knocks at any door or rings any bell at the invitation or with the consent of some member of the household at which he or she so applied for admission.

(Prior Code, § 14-4) Penalty, see § 10.99

**§ 111.05 SALE OF PRODUCTS BY FARMERS EXEMPTED.**

Nothing in this chapter shall apply to any farmer or producer who sells or disposes of his or her own agricultural products including fruits or vegetables, or of beef, mutton, or pork; provided, that such meats are produced in accordance with all health regulations and laws, if such merchandise is produced by him or her in the state.

(Prior Code, § 14-5)

**§ 111.06 WHOLESALEERS EXEMPTED.**

No license shall be required of drummers, traveling salespersons, or other persons engaged in soliciting or taking orders exclusively from the trade or established wholesale or retail dealers for the delivery of goods, wares, or merchandise by wholesale.

(Prior Code, § 14-6) Penalty, see § 10.99

**§ 111.07 ASSOCIATION WITH LOCAL DEALERS, AND THE LIKE.**

Persons engaged in any business regulated by this chapter shall not be relieved from complying with provisions of this chapter merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part, or in the name of any local dealer, trader, merchant, or auctioneer.

(Prior Code, § 14-7)

**§ 111.08 VISITING PRIVATE RESIDENCES WITHOUT PERMISSION.**

It shall be unlawful for any person to engage in the practice of going in and upon private residences in the municipality by solicitors, agents, or representatives, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited to do so by the owners or

occupants of such private residences, for the purpose of soliciting orders for the sale of goods, wares, and merchandise or for the purpose of disposing of or peddling or hawking the same or soliciting orders for goods or services for taking orders for any type of contract for present or future completion or continuation.

(Prior Code, § 14-8) Penalty, see § 10.99

## ***LICENSES***

### **§ 111.20 REQUIRED.**

It shall be unlawful for a transient merchant, peddler, solicitor, or canvasser to engage in any such business without first obtaining a license therefor in compliance with the provisions of this subchapter. (Prior Code, § 14-9) Penalty, see § 10.99

### **§ 111.21 FILING AND CONTENTS OF APPLICATIONS.**

Applicants for a license under this subchapter shall file with the Municipal Clerk/Treasurer a sworn application in writing, which shall give the following information:

(A) The name and description of the applicant;

(B) The permanent home address and full local address of the applicant;

(C) A brief description of the nature of the business and the goods to be sold;

(D) If employed, the name and address of the employer, together with credentials establishing the exact relationship;

(E) The length of time for which the right to do business is desired;

(F) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery;

(G) A photograph of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

(H) The names of at least two reliable property owners of the municipality who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence, as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility; and

(I) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal law, the nature of the offense, and the punishment or penalty assessed therefor.

(Prior Code, § 14-10)

#### **§ 111.22 INVESTIGATION OF APPLICANT; ISSUANCE; RECORDS.**

(A) Upon receipt of such application, it shall be referred to the Chief of Police who shall cause investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the public good.

(B) If the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his or her disapproval and his or her reasons for the same, and return the application to the Municipal Clerk/Treasurer, who shall notify the applicant that his or her application is disapproved and that no permit or the license will be issued.

(C) If the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall endorse on the application his or her approval, execute a permit addressed to the applicant for the carrying on the business applied for, and return such permit, along with the application to the Municipal Clerk/Treasurer, who shall upon payment of the prescribed license fee issue a license. Such license shall contain the signature and seal of the Municipal Clerk/Treasurer and shall show the name, address, and photograph of the licensee, the class of license issued and the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance, and the period for which the same shall be operative, as well as the license number and other identifying description of any vehicle used. The Municipal Clerk/Treasurer shall keep a permanent record of all licenses issued.

(Prior Code, § 14-11)

#### **§ 111.23 FEES.**

The license fee which shall be paid to the Municipal Clerk/Treasurer upon the issuance of a license hereunder shall be as established by Town Council from time to time; provided, that if any person has more than one person engaged in the business of peddling or uses more than one motor truck, wagon, or other vehicle in such business of peddling, the license fees shall be paid for each of such persons, motor truck, wagon, or vehicle used such business; and provided, that if any person has more than one

person engaged in the business of soliciting or canvassing, the foregoing license fee shall be paid for each person engaged in such business.

(Prior Code, § 14-12)

**§ 111.24 MINIMUM TERM; EXPIRATION.**

The Town Clerk/Treasurer shall not issue any license hereunder nor accept any license fee for less than one day. A license issued for one day shall expire at 12:00 a.m., midnight, of the date of issuance of such license. A license issued for one week shall expire at 12:00 a.m., midnight, on the seventh day after issuance. A license issued for one month shall expire at 12:00 a.m., midnight, on the thirtieth day after issuance, counting both first and last days. A license issued for two months shall expire at 12:00 a.m., midnight, on the sixtieth day after issuance, counting both first and last days. A license issued quarterly shall be issued only for the current quarterly periods commencing in January, April, July, and October. All quarterly licenses issued shall expire upon the termination of the current quarterly period during which they shall have been issued.

(Prior Code, § 14-13)

**§ 111.25 EXHIBITION.**

Any person licensed under the provisions of this chapter shall exhibit his license at the request of any citizen.

(Prior Code, § 14-14)

**§ 111.26 TRANSFER.**

No license issued under the provisions of this chapter shall be transferred.

(Prior Code, § 14-15)

**§ 111.27 REVOCATION.**

(A) Licenses issued under the provisions of this chapter may be revoked by the governing body after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for license;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on the business;

(3) Any violation of this chapter;

(4) Conviction of any crime or misdemeanor involving moral turpitude; or

(5) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(B) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five days prior to the date set for hearing.

(Prior Code, § 14-16)

### § 111.28 APPEALS.

Any person aggrieved by the action of the Municipal Clerk/Treasurer in the denial of a permit or license as provided in this subchapter shall have the right of appeal to the governing body. Such appeal shall be taken by filing with the governing body, within 14 days after notice of the action complained, a written statement setting forth fully the grounds for the appeal. The governing body shall set a time and place for a hearing on such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided in this subchapter for notice of hearing on revocation. The decision and order of the governing body on such appeal shall be final and conclusive.

(Prior Code, § 14-17)

### § 111.29 APPLICATION FOR LICENSE TO DO BUSINESS.

#### TOWN OF HUDSON

#### APPLICATION FOR LICENSE TO DO BUSINESS

#### TRANSIENT MERCHANT

STATE OF WYOMING ]

]

COUNTY OF FREMONT ]

The undersigned hereby applies for a license to conduct business in the Town of Hudson, and states that the following are true:

1. Name under which business is to be conducted: \_\_\_\_\_

2. Name of applicant (if a corporation, give names and addresses of president and secretary; if a partnership, give names and addresses of all parties): \_\_\_\_\_

3. Permanent residence/business address: \_\_\_\_\_

4. Name and address at which business to be conducted locally:

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone: \_\_\_\_\_

5. Brief description of the nature of the business and the goods to be sold: \_\_\_\_\_

6. If employed, the name and address of the employer, together with credentials establishing the exact relationship.

7. The length of time for which the right to do business is desired (starting and ending date): \_\_\_\_\_

8. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery: \_\_\_\_\_

9. The names of at least two reliable property owners of the municipality who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility: \_\_\_\_\_

#### REQUIRED ATTACHMENTS:

1. \$1,000 bond made out to the Town of Hudson

2. Two sureties

3. Photograph of applicant taken within 60 days immediately prior to the date of the filing of the application which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.

4. License fee in accordance with the current rate schedules approved by the Town Council for every week the applicant expects to do business in town.

The undersigned makes these statements above to induce the Town of Hudson to issue the license herein applied for, and agrees to comply with all laws and ordinances of the town applicable to the subject matter hereof.

**Hudson - Business Regulations**

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

If applicant is a corporation, show office held by person signing: \_\_\_\_\_

(Prior Code, Chapter 14)

**TITLE XIII: GENERAL OFFENSES**

*[Reserved]*



## **TITLE XV: LAND USAGE**

### **Chapter**

**150. STREETS AND SIDEWALKS**

**151. MOBILE HOMES, MODULAR HOMES; TRAILERS,  
TRAILER COURTS**



## CHAPTER 150: STREETS AND SIDEWALKS

### Section

#### *General Provisions*

- 150.001 Street names
- 150.002 Electric poles, posts, and the like
- 150.003 Keeping sidewalks clear of ice, snow, dirt, and the like
- 150.004 Deposit of petroleum products on streets, and the like
- 150.005 Obstructing on streets, sidewalks, and the like generally; fencing setbacks; building materials, machinery
- 150.006 Cellar doors, pits, and the like
- 150.007 Closing streets for construction, alteration, and the like
- 150.008 Weight restrictions on certain streets

#### *Excavations; Conduct of Work*

- 150.020 Definitions
- 150.021 Administrative authority to make inspections and promulgate rules and regulations
- 150.022 Permit required; issuance generally; annual blanket permit; application
- 150.023 Barriers and warning devices for safety
- 150.024 Crossings and passageways for pedestrians and vehicles
- 150.025 Routing of traffic; closing of streets
- 150.026 Emergency excavations
- 150.027 Liability of municipality and municipal employees
- 150.028 Prompt completion of work, restoration required
- 150.029 Administrative authority may cause work to be done 24 hours per day
- 150.030 Inconvenience, annoyance, and the like to general public and occupants of neighboring property
- 150.031 Interference with access to fire hydrants, fire escapes, and other vital equipment
- 150.032 Relocation and protection of facilities
- 150.033 Protection of adjoining property
- 150.034 Care of lawn areas; removal of trees, shrubs from parking strip areas
- 150.035 Breaking through pavement

**Hudson - Land Usage**

- 150.036 Disposition of material from excavation
- 150.037 Removal of debris
- 150.038 Gutters to be kept free and unobstructed
- 150.039 Disposal of muck, silt, and the like
- 150.040 Backfilling
- 150.041 Restoration of surface

***Construction, Repair of Sidewalks, Curbs***

- 150.055 Duty of adjoining landowners
- 150.056 Orders to construct, and the like; form, contents
- 150.057 Commencement of work after service order
- 150.058 Construction, and the like, by municipality upon failure of landowner to do so; collection of cost of construction from landowner
- 150.059 Disposition of money collected from landowners failing to construct, and the like

***Construction, Repair of Driveways***

- 150.070 Definitions
- 150.071 Compliance with article
- 150.072 Permits required
- 150.073 Same; application
- 150.074 Plans to comply with other municipal regulations
- 150.075 Compliance with municipal standards and specifications
- 150.076 Location, size
- 150.077 Waiver of location, size requirements

**GENERAL PROVISIONS****§ 150.001 STREET NAMES.**

The names of the streets of the municipality shall be designated by the governing body.  
(Prior Code, § 11-1)

**§ 150.002 ELECTRIC POLES, POSTS, AND THE LIKE.**

No person shall encroach into or upon any of the sidewalks, streets, or alleys of the municipality by erecting or maintaining thereon any pole, post, or other structure used in the transmission of electric current by wire, including electric light, telegraph, or telephone poles, or attach or maintain upon such poles, posts or other structures, any wire for any purpose whatsoever, except in accordance with the rights conferred by the governing body.

(Prior Code, § 11-2) Penalty, see § 10.99

**§ 150.003 KEEPING SIDEWALKS CLEAR OF ICE, SNOW, DIRT, AND THE LIKE.**

All persons shall keep the sidewalks in front of and adjacent to the premises occupied by them clear of ice, mud, dirt, rubbish, or other refuse, and after any fall of snow shall cause the snow to be immediately removed from such sidewalk.

(Prior Code, § 11-3)

**§ 150.004 DEPOSIT OF PETROLEUM PRODUCTS ON STREETS, AND THE LIKE.**

No person shall drain or deposit upon any street, sidewalk, alley, park, or public place or into any sump, gutter, catch basin, manhole, conduit, sewer, lake, or waterway in the town any tar, asphaltum, gasoline, lubricating oil, greases, waste oil from automobile or truck crank cases, or any by-product of petroleum.

(Prior Code, § 11-4) Penalty, see § 10.99

**§ 150.005 OBSTRUCTING ON STREETS, SIDEWALKS, AND THE LIKE GENERALLY; FENCING SETBACKS; BUILDING MATERIALS, MACHINERY.**

(A) (1) No person shall have any obstruction upon the streets, sidewalks, or alleys within the municipality except as provided by the provisions of this code or other ordinances of the municipality.

(2) All fences bordering streets or alleys shall be set back a sufficient distance from the street or alley so as not to impair the ability of drivers of motor vehicles to observe signs, markings, and other traffic.

(Prior Code, § 11-5)

(B) It shall be unlawful for any person to cause or permit any building materials, machinery, sand, dirt, or other object to be in or upon the streets, alleys, or sidewalks of the town without first obtaining

a permit from the municipality for such use of streets, alleys, or sidewalks; provided, that whenever a permit is issued, such permit shall carry the right to place materials, machinery, or other objects upon the streets, alleys, or sidewalks, subject to such conditions as are deemed necessary for the safety of persons on or about such streets, alleys, or sidewalks and which are set forth in the permit.

(Prior Code, § 11-6)

Penalty, see § 10.99

#### **§ 150.006 CELLAR DOORS, POTS, AND THE LIKE.**

No person shall allow any cellar door, pit, vault, or other subterraneous opening on or adjacent to any highway or sidewalk to be left or kept open or be in an insecure condition so that passersby will be in danger of falling into such cellar, pit, vault, or other subterraneous opening.

(Prior Code, § 11-7) Penalty, see § 10.99

#### **§ 150.007 CLOSING STREETS FOR CONSTRUCTION, ALTERATION, AND THE LIKE.**

(A) The town is hereby authorized to temporarily close any street, alley, or other public way or portion thereof, while such street, alley, or public way is undergoing construction, alteration, or repair, or being involved with any special work.

(B) In closing such street, alley, or public way, the town shall cause to be erected appropriate barricades, signs, and warnings sufficient to fairly apprise the public thereof.

(Prior Code, § 11-8)

#### **§ 150.008 WEIGHT RESTRICTIONS ON CERTAIN STREETS.**

(A) It shall be unlawful for any person to operate a motor vehicle upon any street within the town in violation of a weight restriction.

(B) Such weight restrictions shall be set from time to time by the Town Council upon the recommendation of the Town Engineer.

(C) Forthwith upon setting a weight restriction, appropriate signs shall be posted along the street giving the public notice of such restriction.

(D) A permit may be issued by the Town Engineer authorizing an overweight vehicle to temporarily use the street when he or she determines that such use will not be detrimental to the public.

(E) Any person found to be in violation of a weight restriction shall be subject to the penalties set forth in § 10.99.

(Prior Code, § 11-8(I)) Penalty, see § 10.99

### ***EXCAVATIONS; CONDUCT OF WORK***

#### **§ 150.020 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ADMINISTRATIVE AUTHORITY.*** The official of the municipality vested with supervision of all public places in the municipality, or his or her authorized representative.

***EXCAVATION.*** Any opening in the surface of a public place made in a manner whatsoever, except an opening into a lawful structure below the surface of the public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

***FACILITY.*** Any material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed, or maintained in, upon, along, across, under, or over any public place.

(Prior Code, § 11-9)

#### **§ 150.021 ADMINISTRATIVE AUTHORITY TO MAKE INSPECTIONS AND PROMULGATE RULES AND REGULATIONS.**

(A) The administrative authority shall make such inspections as are reasonably necessary in the enforcement of this subchapter.

(B) The administrative authority shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this subchapter.

(Prior Code, § 11-10)

**§ 150.022 PERMIT REQUIRED; ISSUANCE GENERALLY; ANNUAL BLANKET PERMIT; APPLICATION.**

(A) No person shall make any excavation or fill any excavation in any public place without first obtaining a permit to do so from the administrative authority, except as otherwise provided in this subchapter. No permit to make an excavation or fill an excavation in a public place shall be issued except as provided in this subchapter. The administrative authority may issue an annual blanket permit for the purpose of placing, replacing, or repairing any facility within a public place to the following:

(1) A public utility regulated by the Public Utilities Commission of the state; and

(2) A person holding a franchise from the municipality.

(Prior Code, § 11-11)

(B) (1) No excavation permit shall be issued unless an application for the issuance of an excavation permit is submitted to the administrative authority along with payment of the permit fee set by Town Council from time to time. The application shall state the name and address and principal place of business of the applicant, the authority of the applicant to occupy the public place for which the permit is sought, the location and dimensions of the installation or removal for which excavation is to be made, the purpose of the facility and the length of time which will be required to complete such work, including backfilling such excavation and removing all obstructions, material, and debris.

(2) The application, when approved and signed by the administrative authority, shall constitute a permit.

(Prior Code, § 11-12)

Penalty, see § 10.99

**§ 150.023 BARRIERS AND WARNING DEVICES FOR SAFETY.**

(A) It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain such barriers and warning devices as may be necessary for safety.

(B) Barriers shall meet the requirements of the administrative authority. Warning lights shall be used from sunset of each day to sunrise of the following day, and shall emit light of sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources.

(Prior Code, § 11-13)

**§ 150.024 CROSSINGS AND PASSAGEWAYS FOR PEDESTRIANS AND VEHICLES.**

A permittee under this subchapter shall maintain safe crossings for two lanes of vehicle traffic at all street intersections, where possible, and safe crossings for pedestrians. If any excavation is made across any public street, alley, or sidewalk, at least one safe crossing shall be maintained, when possible, for vehicles and pedestrians. If the street is not wide enough to hold the excavated material without using part of the adjacent sidewalk, a passageway at least one-half of the sidewalk width shall be maintained along such sidewalk line.

(Prior Code, § 11-14)

**§ 150.025 ROUTING OF TRAFFIC; CLOSING OF STREETS.**

(A) A permittee under this subchapter shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public.

(B) Provided, that the administrative authority may permit the closing of streets and alleys to all traffic for a period of time prescribed by him or her if, in his or her opinion, its necessary.

(Prior Code, § 11-15)

**§ 150.026 EMERGENCY EXCAVATIONS.**

Nothing in this subchapter shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in any conduit or pipe, or for making repairs; provided, that the person making such excavation shall apply to the administrative authority for an excavation permit on the first working day after such work is commenced.

(Prior Code, § 11-16)

**§ 150.027 LIABILITY OF MUNICIPALITY AND MUNICIPAL EMPLOYEES.**

This subchapter shall not be construed as imposing upon the municipality or any official or employee thereof any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued, nor shall the municipality or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized under this subchapter, the issuance of any permit, or the approval of any excavation work.

(Prior Code, § 11-17)

**§ 150.028 PROMPT COMPLETION OF WORK, RESTORATION REQUIRED.**

After an excavation is commenced, the permittee under this subchapter shall prosecute with diligence and expedition all excavation work covered by the excavation permit, and shall promptly complete such work and restore the street, sidewalk, or alley to its original condition or as near as may be, so as not to obstruct the public place or travel thereon more than is reasonably necessary.

(Prior Code, § 11-18)

**§ 150.029 ADMINISTRATIVE AUTHORITY MAY CAUSE WORK TO BE DONE 24 HOURS PER DAY.**

If, in his or her judgment, traffic condition, the safety or conveniences of the traveling public, or the public interest require that the excavation work be performed as emergency work, the administrative authority shall have full power to order, at the time the permit for excavation work is granted, that a crew of workers and adequate facilities be employed by the permittee 24 hours a day that such excavation work may be completed as soon as possible.

(Prior Code, § 11-19)

**§ 150.030 INCONVENIENCE, ANNOYANCE, AND THE LIKE TO GENERAL PUBLIC AND OCCUPANTS OF NEIGHBORING PROPERTY.**

Each permittee under this subchapter shall conduct and carry out excavation work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust, and unsightly debris, and, during the hour of 10:00 p.m. to 7:00 a.m., shall not use, except with the written permission of the administrative authority or, in case of an emergency, as otherwise provided in this subchapter, any tool, appliance, or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of neighboring property.

(Prior Code, § 11-20)

**§ 150.031 INTERFERENCE WITH ACCESS TO FIRE HYDRANTS, FIRE ESCAPES, AND OTHER VITAL EQUIPMENT.**

All excavation work under this subchapter shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures, or any other vital equipment as designated by the administrative authority.

(Prior Code, § 11-21)

**§ 150.032 RELOCATION AND PROTECTION OF FACILITIES.**

(A) A permittee under this subchapter shall not interfere with any existing facility without the written consent of the administrative authority and the owner of the facility. If it becomes necessary to relocate an existing facility, this shall be done by its owner.

(B) No facility owned by the municipality shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee, unless he or she makes other arrangements with the person owning the facility.

(C) The permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain, and protect them under, over, along, or across such work. In case any of such pipes, conduits, poles, wires, or apparatus should be damaged, they shall be repaired by the person owning them and the expense of such repairs shall be charged to the permittee and his or her bond shall be liable therefor.

(D) The permittee shall be responsible for any damage done to any public or private property by reason of the breaking of any water pipes, sewer, gas pipe, electric conduit, or other facility. The permittee shall inform himself or herself as to the existence and location of all underground facilities and protect the same against damage.

(Prior Code, § 11-22) Penalty, see § 10.99

**§ 150.033 PROTECTION OF ADJOINING PROPERTY.**

(A) A permittee under this subchapter shall at all times, and at his or her own expense, preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for that purpose. Where, in the protection of such property, it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permittee shall obtain a license from the owner of such private property for such purpose and, if he or she cannot obtain a license from such owner, the administrative authority may authorize him or her to enter the private premises solely for the purpose of making the property safe.

(B) The permittee shall, at his or her own expense, shore up and protect all buildings, walls, fences, or other property likely to be damaged during the progress of the excavation work, and shall be responsible for all damage to public or private property or highways resulting from his or her failure to properly protect and carry out such work.

(Prior Code, § 11-23)

**§ 150.034 CARE OF LAWN AREAS; REMOVAL OF TREES, SHRUBS FROM PARKING STRIP AREAS.**

(A) Whenever it may be necessary for a permittee under this subchapter to trench through any lawn area all construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as near as possible to that which existed before such work began.

(B) The permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas without first obtaining the consent of the municipality.  
(Prior Code, § 11-24)

**§ 150.035 BREAKING THROUGH PAVEMENT.**

The following provisions shall be applicable where any excavation requires breaking through pavement:

(A) Heavy duty pavement breakers may be prohibited by the administrative authority when the use endangers existing substructures or other property.

(B) Saw cutting of cement concrete may be required by the administrative authority when the nature of the job or the condition of the street warrants.

(C) Approved cutting of bituminous pavement surface ahead of excavations may be required by the administrative authority to confine pavement damage to the limits of the trench.

(D) Sections of sidewalks shall be removed to the nearest score line or saw cut edge.

(E) Unstable pavement shall be removed over cave outs and overbreaks, and the subgrade shall be treated as the main trench.

(F) Pavement edges shall be trimmed to a vertical face and neatly aligned with the centerline of the trench.

(G) Cutouts outside of the trench lines must be normal or parallel to the trench line.

(H) Boring or other methods to prevent cutting of new pavement may be required by the administrative authority.

(I) A permittee under this subchapter shall not be required to repair damage existing prior to excavation done by him or her, unless his or her cut results in small floating sections that may be unstable, in which case the permittee shall remove and pave the area.  
(Prior Code, § 11-25)

#### **§ 150.036 DISPOSITION OF MATERIAL FROM EXCAVATION.**

(A) All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such a manner as not to endanger those working in the trench, pedestrians, or other users of the streets and so that as little inconvenience as possible is caused to those using streets and adjoining property.

(B) Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, the administrative authority shall have the power to require that the permittee under this subchapter haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling.  
(Prior Code, § 11-26)

#### **§ 150.037 REMOVAL OF DEBRIS.**

(A) As excavation work progresses, all streets, sidewalks, and alleys shall be thoroughly cleaned of all rubbish, excess earth, rock, and other debris resulting from such work.

(B) All clean up operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the administrative authority, and immediately after completion of such work the permittee shall, at his or her own expense, clean up and remove all refuse and unused materials of any kind resulting from such work.  
(Prior Code, § 11-27)

#### **§ 150.038 GUTTERS TO BE KEPT FREE AND UNOBSTRUCTED.**

A permittee under this subchapter shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutter line.  
(Prior Code, § 11-28)

**§ 150.039 DISPOSAL OF MUCK, SILT, AND THE LIKE.**

A permittee under this subchapter shall make provisions to dispose of all surplus water, muck, silt, slickings, or other run off pumped from excavations or resulting from sluicing or other operations, and shall be responsible for any damage resulting from its failure to so provide.

(Prior Code, § 11-29)

**§ 150.040 BACKFILLING.**

(A) Fine material, free from lumps and stone, shall be thoroughly compacted around and under the substructure to the upper level of such substructure.

(B) Above the upper level of the substructure, backfill material shall be placed to the subgrade of the pavement in lifts consistent with the type of soil involved and the method of consolidation being used.

(C) Broken pavement, large stones, roots, and other debris shall not be used in the backfill.

(D) Each lift shall be flooded, jetted, rolled, or tamped, or a combination of these methods shall be used, depending upon the type of soil involved, to compact the backfill material.

(E) Such backfill shall be done in a manner that will permit the restoration of the surface to condition equivalent to that in which it was prior to excavation.

(Prior Code, § 11-30)

**§ 150.041 RESTORATION OF SURFACE.**

(A) Resurfacing of excavations shall be done with such materials and in such manner as to restore the surface to a condition at least as good as the surface prior to the commencement of the excavation.

(B) Temporary surfacing may be required by the administrative authority where the backfill is likely to settle. The temporary surface shall be replaced with permanent resurfacing when the backfill has ceased to settle.

(C) All surfaces and subsurfaces shall conform to the method of construction of the street, sidewalk, or alley in which the excavation was made.

(Prior Code, § 11-31)

***CONSTRUCTION, REPAIR OF SIDEWALKS, CURBS***

**§ 150.055 DUTY OF ADJOINING LANDOWNERS.**

All owners of land adjoining any street, road, alley, or other public way in the municipality shall construct, reconstruct, or repair sidewalks and curbs along such street, road, alley, or other public way adjoining to such land when ordered to do so by the governing body.

(Prior Code, § 11-32)

**§ 150.056 ORDERS TO CONSTRUCT, AND THE LIKE; FORM, CONTENTS.**

(A) When an order is issued to a property owner to construct, reconstruct, or repair sidewalks or curbs, the order shall be in writing and shall designate the location, manner of construction, construction material, width, and grade of such sidewalk or curb to be constructed, reconstructed, or repaired; provided, that the specifications of the governing body shall not be such as to require any property owner to construct a sidewalk or curb of different material or in a different manner than is required of the owners of other land in the same block fronting the same street, road, alley, or other public way.

(Prior Code, § 11-33)

(B) The construction, reconstruction, or repair of sidewalks and curbs shall be ordered when safe and satisfactory walkways are to be provided for children enroute to or from school, or when, because of existing conditions in any area of the municipality, the public safety, convenience, and general welfare will be served by the construction, reconstruction, or repair of such sidewalks and curbs.

(Prior Code, § 11-34)

(C) (1) The written order provided for in division (A) above shall be served personally upon the property owner if he or she is to be found within the municipality, by law enforcement or some member of the community designated by the Mayor, to make such service.

(2) (a) Service shall be by registered or certified mail if the owner lives outside the municipality and his or her address is known.

(b) Otherwise, such order shall be published once in a newspaper of general circulation published in the municipality.

(Prior Code, § 11-35)

**§ 150.057 COMMENCEMENT OF WORK AFTER SERVICE ORDER.**

When an order has been served, mailed, or published, as provided for in § 150.056(C), the owner shall, within two weeks after such service, mailing, or publication, commence the construction, reconstruction, or repair of such sidewalk or curb and finish same without delay.  
(Prior Code, § 11-36)

**§ 150.058 CONSTRUCTION, AND THE LIKE, BY MUNICIPALITY UPON FAILURE OF LANDOWNER TO DO SO; COLLECTION OF COST OF CONSTRUCTION FROM LANDOWNER.**

In the event an owner fails to proceed as provided in § 150.057 the municipality shall proceed without delay to cause the sidewalk or curb to be constructed, reconstructed, or repaired, paying for the cost thereof out of available funds of the municipality authorized by law, and shall immediately assess and levy the cost thereof against the lot or parcel of land upon which such sidewalk or curb shall front, certify same to the County Treasurer, where it shall be collected in the manner provided for the collection of municipal taxes, and shall, upon becoming delinquent, be subjected to the same interest, penalty, and liens as other delinquent municipal taxes.  
(Prior Code, § 11-37)

**§ 150.059 DISPOSITION OF MONEY COLLECTED FROM LANDOWNERS FAILING TO CONSTRUCT, AND THE LIKE.**

All money collected and returned to the municipality under the provisions of § 150.058 shall be credited to the fund from which payment for the construction, reconstruction, or repair of sidewalks or curbs was made.  
(Prior Code, § 11-38)

***CONSTRUCTION, REPAIR OF DRIVEWAYS*****§ 150.070 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DRIVEWAY.** Any area, construction, or facility between the roadway of a street and private property to provide access for vehicles from the roadway of a street to private property.

**CHANGE OF USE.** Any change of purpose for which any land, building, or structure is occupied, maintained, arranged, designed, or intended.

**PARKING STRIP.** The space between the street roadway or curb line and the property line, with the exception of the sidewalk area.

**ROADWAY.** The paved, improved, or proper driving portion a street, designed, and ordinarily used for vehicular traffic.

**SIDEWALK AREA.** That portion of the space lying between the street roadway or curb line and the property line which is reserved for sidewalks, either existing or proposed.

**STREET.** Any street, alley, or other public place within the municipality.  
(Prior Code, § 11-39)

#### **§ 150.071 COMPLIANCE WITH ARTICLE.**

Any access from a public roadway to private property provided, constructed, altered, or repaired shall be through driveways constructed according to the provisions of this article.  
(Prior Code, § 11-40)

#### **§ 150.072 PERMITS REQUIRED.**

Except when included in a building permit, no person shall commence work on the construction, alteration, repair, or removal of any driveway or the paving of any parking strip on any street, alley, or other public place in the municipality without a written permit first having been obtained from the governing body.  
(Prior Code, § 11-41)

#### **§ 150.073 SAME; APPLICATION.**

(A) Any party requesting a permit required by § 150.072 shall file a written application therefor with the governing body. Such application shall include:

- (1) The name and address of the applicant;
- (2) The name and address of the owner of the property abutting the street where the work is proposed;
- (3) The exact location of the proposed work, giving the street address or legal description of the property involved;
- (4) A detailed plan showing the exact dimensions of the abutting property and the exact dimensions and location of all existing or proposed driveways and other pertinent features within the limits of the frontage of such property; and
- (5) The location of buildings, loading platforms, or off-street parking facilities being served or to be served by such driveways.

(B) The governing body may require, at its discretion, the filing of any other information when, in its opinion, such information is necessary to properly enforce the provisions of this article.  
(Prior Code, § 11-42)

#### **§ 150.074 PLANS TO COMPLY WITH OTHER MUNICIPAL REGULATIONS.**

No plan shall be approved nor a permit under this subchapter issued where it appears that the proposed work or any part thereof conflicts with the provisions of this code or any other ordinance of the municipality; nor shall issuance of a permit under this subchapter be construed as a waiver of the provisions of this code or other ordinance requirements.

(Prior Code, § 11-43) Penalty, see § 10.99

#### **§ 150.075 COMPLIANCE WITH MUNICIPAL STANDARDS AND SPECIFICATIONS.**

All construction outlined in this subchapter shall be performed in accordance with the standard plans and specifications of the municipality, and shall be performed to the satisfaction of the governing body through its authorized employees and representatives.

(Prior Code, § 11-44)

#### **§ 150.076 LOCATION, SIZE.**

Every driveway hereafter constructed or altered in street rights-of-way shall conform to the following regulations.

(A) *Location.*

(1) No driveway shall be located so as to create a hazard to pedestrians or motorists, or invite or compel illegal or unsafe traffic movements.

(2) Unless otherwise approved, all driveways, including the returns, shall be constructed within lines at right angles to the curb line and passing through the front property corners.

(3) No driveway shall be constructed in such manner as to create a hazard to any existing street lighting standard, utility pole, traffic regulating device, or fire hydrant. The cost of relocating any such street structure, when necessary to do so, shall be borne by the abutting property owner. Relocation of any street structure shall be performed only by or through the person holding authority for the particular structure involved.

(4) No construction, alteration, or repair shall be permitted for any driveway which can be used only as a parking space or which provides access only to the area between the street roadway and private property.

(B) *Size and number.*

(1) Except as otherwise provided in this subchapter, the width of any driveway shall not exceed 35 feet, exclusive of the radii of the returns, the measurement being made parallel to the centerline of the street roadway. Where driveways are to enter onto courts or alleys have a right-of-way width of 40 feet or less, the width of the driveways may exceed 35 feet, and the limitation of the percentage of property frontage in driveways may be waived; provided, that the overall plan of the location of such driveways shall meet the approval of the governing body.

(2) The width of any driveway shall not be less than ten feet, exclusive of the radii of the returns, the measurement being made at right angles to the centerline of the driveway.

(3) (a) Except as otherwise provided in division (B)(1), the total width of all driveways for any one ownership on a street shall not exceed 50% of the frontage of that ownership along the street. Any driveway which has become abandoned or unused through a change of the conditions for which it was originally intended or for which for any other reason has become unnecessary may be closed and the owner required to replace any such driveway with a standard curb and sidewalk under the provisions of §§ 150.055 through 150.059.

(b) Whenever in a single ownership the total width of existing driveways on a street is over 50% of the frontage of the ownership of that street, such existing driveways shall be made to conform to the provisions of this subchapter in the event of any of the following changes:

1. Any alteration or repair of such existing driveways in excess of 25 % of the frontage of the ownership on that street or any widening of any such existing driveways;
2. Any construction of additional driveways in the ownership or the alteration or repair of any driveways in the ownership in excess of 25 % of the frontage on which the driveways are to be altered or repaired, when the ownership has frontage on two or more streets; and
3. Any change of use of the ownership.

(c) Upon the alteration or repair of any one or more of the driveways as aforesaid, the governing body may require that such changes in any or all of the driveways of that ownership necessitated for better movement of traffic or to provide better protection to pedestrians.

(d) Where a single ownership is developed into more than one unit of operation, each sufficient in itself to meet the requirements of off-street parking or loading, as may be required by this subchapter, and where the safety of pedestrians or vehicular traffic is not endangered, then the requirements outlined above may be construed to apply to each separate unit of operation rather than to the entire ownership.

(4) There shall be not more than two driveways on one street for any one ownership except where a single ownership is developed into more than one unit of operation, each sufficient in itself to meet the requirements of off-street parking or loading, as may be required by this chapter, and where the necessity for separate access to the street is evident. In such cases, there shall be not more than two driveways on one street for any one unit of operation.

(5) The radius for any driveway return shall be five feet, unless otherwise directed by the governing body.

(6) The angle between any driveway and the street roadway or curb line shall not be less than 45 degrees.

(Prior Code, § 11-45) Penalty, see § 10.99

#### **§ 150.077 WAIVER OF LOCATION, SIZE REQUIREMENTS.**

In the event the governing body should determine that, in the application of the provisions of § 150.072 to the use of any property, there is created an undue hardship, the governing body may, through action in regular meeting, grant an exception to the property owner insofar as complying with the provisions of § 150.072 is concerned.

(Prior Code, § 11-46)

## **CHAPTER 151: MOBILE HOMES, MODULAR HOMES; TRAILERS, TRAILER COURTS**

### **Section**

#### ***General Provisions***

- 151.01 Applicability of chapter; compliance
- 151.02 Violations

#### ***Trailer Courts***

- 151.15 Definitions
- 151.16 Permit for maintenance in town; required, exceptions; application; fee
- 151.17 Application, required; application fee; issuance; transfer
- 151.18 Inspection
- 151.19 Lights
- 151.20 Drainage; location near swamp or marsh prohibited
- 151.21 Coach spaces
- 151.22 Parking of motor vehicles
- 151.23 Recreational area
- 151.24 Storage, collection, and the like of refuse
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- 151.27 Alterations, additions, and the like to trailers
- 151.28 Animals not to run at large
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- 151.30 Notice of change of ownership

#### ***Mobile Homes, Modular Homes, and RV Campers***

- 151.45 Administration, purpose, definition
- 151.46 Placement of mobile homes, modular homes
- 151.47 Mobile home, modular home permits

- 151.48 Occupancy
- 151.49 Standards for mobile homes, modular homes
- 151.50 Continuance of existing use

### ***GENERAL PROVISIONS***

#### **§ 151.01 APPLICABILITY OF CHAPTER; COMPLIANCE.**

(A) It shall be unlawful for any person to rent, lease, or gratuitously permit the use of space for a trailer house without first complying with the provisions of this chapter.

(B) Provided, however, that regularly licensed trailer courts within the town shall not be governed hereby.

(Ord. 813, passed 7-8-2003) Penalty, see § 10.99

#### **§ 151.02 VIOLATIONS.**

Any violation of this chapter is hereby adjudged and declared to be a nuisance and shall summarily be abated by proper proceeding brought therefor.

(Ord. 813, passed 7-8-2003)

### ***TRAILER COURTS***

#### **§ 151.15 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***DEPENDENT TRAILER COACH.*** A trailer coach which does not have a toilet and a bath or shower.

***HEALTH OFFICER.*** The legally designated health authority of the county, or his or her authorized representative/town employee.

**INDEPENDENT TRAILER COACH.** A trailer coach that has a toilet and a bathtub or shower.

**SERVICE BUILDING.** A building housing separate toilet and bathing facilities for men and women, and also having laundry facilities and a slop sink.

**TRAILER COACH or TRAILER HOUSE.** Any vehicle used, or so constructed as to permit its being used, as a conveyance upon the public streets or highways, and duly licensable as such, and constructed in such manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons.

**TRAILER COACH SPACE.** A plot of ground within a trailer court designated for the accommodation of one trailer coach.

**TRAILER COURT.** Any plot of ground upon which two or more trailer coaches occupied for dwelling or sleeping purposes are located.

(Ord. 813, passed 7-8-2003)

**§ 151.16 PERMIT FOR MAINTENANCE IN TOWN; REQUIRED, EXCEPTIONS; APPLICATION; FEE.**

(A) No trailer coach or trailer house, except those parked in a licensed court, shall be permitted within the town for living or sleeping purposes unless a permit has been obtained from the Town/Clerk Treasurer.

(B) Application for a permit required by the preceding section shall be upon a form issued by the Town Clerk/Treasurer, which shall, among other things, contain the name and address of the applicant, the name and address of the lot or ground upon which the trailer house shall be located, the description of the property upon which the trailer house is to be located, the license number of the trailer, and a description of the trailer make, length, width, and serial number, and a description of the sewer, water, and garbage facilities to be furnished to and used by the trailer house.

(C) The Town Clerk/Treasurer shall collect a sum as may be set from time to time by the Town Council for each permit issued under this chapter.

(Ord. 813, passed 7-8-2003) Penalty, see § 10.99

**§ 151.17 APPLICATION, REQUIRED; APPLICATION FEE; ISSUANCE; TRANSFER.**

(A) It shall be unlawful for any person to construct, maintain, operate, or alter any trailer court within the town unless he or she receives formal approval in writing by the town in the name of such person for the specific trailer court.

(B) Every application required by this subchapter shall be made to the Town Clerk/Treasurer. A complete plan of the trailer court layout shall accompany the application for permit. The following details shall be shown on the plan:

- (1) The area and dimensions of the tract of land;
- (2) The location of the service building and any other proposed structures;
- (3) The location and width of roadways and walkways;
- (4) The location and size of water and sewer lines; and

(5) Plans and specifications of all buildings and other improvements constructed, or to be constructed, within the trailer court, including sewage disposal facilities.

(C) The Town Clerk/Treasurer shall collect a sum as may be set from time to time by the Town Council for each trailer court application.

(D) No application issued under this subchapter shall be transferrable.  
(Ord. 813, passed 7-8-2003) Penalty, see § 10.99

#### **§ 151.18 INSPECTION.**

The Health Officer is hereby authorized to make inspections to determine the conditions of trailer courts located within the town, and he or she shall have the power at all reasonable times to enter upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this subchapter.

(Ord. 813, passed 7-8-2003)

#### **§ 151.19 LIGHTS.**

Every trailer court shall be adequately lighted at night.

(Ord. 813, passed 7-8-2003)

#### **§ 151.20 DRAINAGE; LOCATION NEAR SWAMP OR MARSH PROHIBITED.**

Every trailer court in the town must be well drained and not adjacent to swamps or marshes.

(Ord. 813, passed 7-8-2003)

**§ 151.21 COACH SPACES.**

(A) Each trailer coach space in a trailer court shall consist of a minimum of 1,000 square feet, shall be at least 25 feet wide, and have its boundaries clearly defined. The space shall abut on a driveway not less than 20 feet in width, which shall have unobstructed access to a public street or highway.

(B) (1) Trailer coaches shall be parked on each space so there is a 15-foot clearance between coaches, ten feet between coaches and any adjoining property lines, at least 25 feet between coaches and any public street or highway, and at least 15 feet between coaches and any building or structure.

(2) No greater number of coaches shall be allowed at the trailer court than there are trailer coach spaces available therefor.

(Ord. 813, passed 7-8-2003)

**§ 151.22 PARKING OF MOTOR VEHICLES.**

(A) Sufficient area shall be provided in each trailer court for the parking of at least one motor vehicle for each trailer coach space.

(B) Motor vehicles shall not be parked between trailer coaches.

(Ord. 813, passed 7-8-2003)

**§ 151.23 RECREATIONAL AREA.**

A separate area shall be provided for recreational purposes in each trailer court. This area shall be in a location not subject to traffic hazards and shall provide 100 square feet of open area for each trailer coach space.

(Ord. 813, passed 7-8-2003)

**§ 151.24 STORAGE, COLLECTION, AND THE LIKE OF REFUSE.**

(A) The storage, collection, and disposal of refuse at trailer courts shall be in such manner as to avoid a health hazard or an odor nuisance.

(B) Refuse containers shall be provided in adequate numbers within 150 feet of each trailer coach. Garbage shall be collected at least once a week.

(Ord. 813, passed 7-8-2003)

**§ 151.25 ELECTRICAL WIRING AND PLUMBING.**

All electrical wiring and plumbing at trailer courts shall comply with this code, other ordinances of this town, and any applicable state or federal law.

(Ord. 813, passed 7-8-2003)

**§ 151.26 FIRE PROTECTION.**

Every trailer court shall be kept free of flammable material at all times. Hoses and portable fire extinguishers shall be available and in good repair for use in fighting fires. Fires shall be made only in stoves, incinerators, or other equipment intended for that purpose.

(Ord. 813, passed 7-8-2003)

**§ 151.27 ALTERATIONS, ADDITIONS, AND THE LIKE TO TRAILERS.**

(A) (1) No permanent additions of any kind shall be built onto or become a part of any trailer coach located in any trailer court.

(2) Skirting coaches is permissible, but such skirting shall not permanently attach the coach to the ground, provide a harborage for rodents or create a fire hazard.

(B) The wheels of any trailer coach in a trailer court shall not be removed except temporarily for repair. Jacks or stabilizers may be used under the trailer coach to prevent movement when the coach is parked and occupied.

(Ord. 813, passed 7-8-2003)

**§ 151.28 ANIMALS NOT TO RUN AT LARGE.**

Dogs, cats, and other pet animals shall not be permitted to roam at large in any trailer court.

(Ord. 813, passed 7-8-2003)

**§ 151.29 REGISTER.**

Every trailer court owner or operator shall maintain a register containing a record of all trailer coaches and occupants using the trailer court. Such register shall contain:

(A) The names and addresses of all trailer court occupants;

(B) The make, model, and license number of each motor vehicle and trailer coach; and

(C) The dates of arrival and departure of each trailer coach.

(Ord. 813, passed 7-8-2003)

### § 151.30 NOTICE OF CHANGE OF OWNERSHIP.

Every person owning title to an approved trailer court under this subchapter shall give notice in writing to the Town Clerk/Treasurer within 24 hours after having sold, transferred, given away, or otherwise disposed of his or her interest in or control of any trailer court. Such notice shall include the name and address of the person succeeding to the ownership or control of such trailer court.

(Ord. 813, passed 7-8-2003)

## **MOBILE HOMES, MODULAR HOMES, AND RV CAMPERS**

### § 151.45 ADMINISTRATION, PURPOSE, DEFINITION.

(A) *Administration.* This subchapter shall be administrated by the Town Council from time to time.

(B) *Purpose.* To provide for mobile home and modular home placement and construction standards, to provide for permitting of mobile homes and modular homes, and requiring assurances for completion of improvements. It is the desire of the town to try to accommodate mobile home and modular home owners while at the same time provide protection for the public against possible hazards arising from mobile home and modular home placement and construction, and protect and conserve the value of land and buildings nearby.

(C) *Mobile homes.* Any of a class of manufactured units designed and constructed for transportation with a chassis, axles, and similar appurtenances. A transportable structure designed to be used with or without a permanent foundation, when connected to required utilities for human occupancy as a residence. A mobile home shall conform to the standards established by the Secretary of the U.S. Department of Housing and Urban Development pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, and any amendments thereto. A mobile home shall be constructed to remain a mobile home, subject to all regulations pertaining thereto, whether or not wheels, axles, hitch, or other items are removed and regardless of the character of the foundation provided.

(D) *Modular homes.* A **MODULAR HOME** shall mean a structure composed of reassembled modular building sections, fabricated at some location other than the installation site which are designated as dependent units that must be joined at the site to form a usable single structure.

(E) *RV Campers*. Any of a class of manufactured small living units constructed for transportation with a chassis, axles, hitch, or mounted in the bed of a pickup truck and designed for living or sleeping in while traveling.

(Ord. 813, passed 7-8-2003)

#### **§ 151.46 PLACEMENT OF MOBILE HOMES, MODULAR HOMES.**

(A) Modular homes are allowed anywhere within the corporate town limits of the town.

(B) Mobile homes are allowed anywhere within the corporate town limits of the town, provided other applicable building lot standards are met.

(C) No more than one trailer coach or trailer house, as long the same is not being used for living or sleeping purposes, may be parked or stored, by the owner of the trailer coach or trailer house, on the owner's lot, and no permit shall be required.

(D) Only one permit shall be issued for each 5,000 square feet of available space on property located within the town limits and outside the boundaries of a trailer court.

(E) This section may be waived for purposes of visiting and/or temporary occupancy of a trailer coach or trailer house for no more than one month, if occupancy extends over 30 days, a permit.  
(Ord. 813, passed 7-8-2003)

#### **§ 151.47 MOBILE HOME, MODULAR HOME PERMITS.**

(A) No person shall set up, locate, replace, or occupy a mobile home or modular home as defined herein outside of a mobile home park in the town, or cause the same to be done without first obtaining a permit from the Town Clerk/Treasurer.

(B) Any applicant for a permit shall provide the Town Clerk/Treasurer with any written information that the Clerk/Treasurer may require with respect to any applicable codes or standards and shall pay a fee for the permit as shall be set from time to time by the Town Council. The permit shall be issued by the Town Clerk/Treasurer as directed by the Town Council.

(Ord. 813, passed 7-8-2003)

#### **§ 151.48 OCCUPANCY.**

(A) Occupancy of a mobile home or modular home outside of a mobile home park shall not be permitted until the Town Clerk/Treasurer has issued a certificate of occupancy. A certificate of

occupancy shall be issued only after the mobile home or modular home has been inspected by the public works official for compliance with town requirements for utility connections, tie down provisions, skirting, and any other provisions pertinent thereto.

§ (B) Occupancy of an RV camper for living quarters is prohibited without the real property owner obtaining a permit from the town. Permits will be limited to a six month term of occupancy and the permit may be renewable by subsequent applications approved by Town Council.

(C) Temporary/visitor occupancy of an RV camper will be allowed for a limited term of up to 30 days. If the living occupancy extends beyond a 30 day period, the real property owner must apply to the town for a permit to allow the continued occupancy of the RV camper.  
(Ord. 813, passed 7-8-2003)

#### **§ 151.49 STANDARDS FOR MOBILE HOMES, MODULAR HOMES.**

Not more than 45 days after issuance of a permit, as provided for in § 151.47, every mobile home and modular home, for which a permit is required, shall comply with the following requirements.

(A) The mobile home or modular home must be at least 400 square feet to be located in the town, other than in a designated, licensed, and permitted mobile home park, not counting any additions, extensions, or other alterations.

(B) The mobile home or modular home shall be skirted (enclosed) around its entire lower perimeter with material similar to and matching a style of siding used on the home. Suitable skirting material shall consist of rocky masonry, masonite, wood, or other comparable material approved by the Town Council.

(C) The mobile home or modular home shall be securely anchored to the ground by no less than six tie downs capable of withstanding the minimum uplift of 5,000 pounds with one tie down connected to each corner. For all modular homes, a permanent method of anchoring capable of withstanding an uplift pressure of 150 pounds per lineal foot of foundation wall between the building system and the foundation or footing is required.

(D) Tongue hitches, axles, and wheels must be removed or adequately camouflaged so as not to detract from the overall appearance of the mobile home or modular home, or the surrounding area. All undercarriage support structures used solely for transportation to the site shall be removed prior to installation.

(E) The mobile home or modular home shall be properly connected to all utilities in accordance with adopted ordinances and codes of the town.

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(F) The mobile home or modular home shall conform to any adopted codes of the town.

(G) The mobile home or modular home shall be built in accordance with federal manufactured housing construction and safety standards, including, but not limited to, roof load zones, wind zones, temperature zones, and the like.

(H) Compliance with structural standards shall be evidenced at the owner's expense. The Town Clerk/Treasurer may require any information he or she deems necessary from the owner of the mobile home or modular home for which a permit is being requested in order to determine if said mobile home or modular home is in compliance with town ordinances.

(I) There shall be no storage of combustible materials underneath any mobile home or modular home unless approved by the Town Council or Fire Chief.

(J) Public services and utilities shall not be extended to mobile homes or modular homes hereinafter located in the town unless said mobile home or modular home has been issued a permit by the Town Clerk/Treasurer.

(K) Travel trailers, motor homes, or truck campers may not be used as permanent dwelling units within the town and shall not be construed to be mobile homes.

(L) Mobile homes or modular homes shall not be placed on the same lot with another mobile home or modular home or residential unit. Placement of mobile homes or modular homes must comply with the "lot area" provisions and all other provisions of the town ordinances.

(M) Every section of mobile home or modular home shall have affixed a data plate certifying that it is built in compliance with federal manufactured home construction and safety standards.  
(Ord. 813, passed 7-8-2003)

**§ 151.50 CONTINUANCE OF EXISTING USE.**

(A) The lawful use of a mobile home or modular home existing on the effective date of this subchapter may be continued, although such use does not conform with the provisions of this subchapter; provided, however, said mobile home or modular home shall be securely anchored to the ground in accordance with § 151.49(C) within 120 days from the effective date of this subchapter.

(B) A mobile home or modular home that does not meet the definitions and standards outlined in this subchapter shall be deemed to be a non-conforming use regardless of the area in town or zone (should the town adopt appropriate zoning at a date subsequent to this subchapter) in which it is located. Such non-conforming use may be continued even though it may not comply with the provisions of this

subchapter, provided that such non-conforming use does not constitute a hazard to health or is a nuisance. Such non-conforming use shall not be extended, enlarged, changed, or replaced.

(C) Changes to existing mobile homes or modular homes which would make said homes conform to this subchapter are allowed, provided all other town ordinances are complied with.

(D) Any proposed change, extension, enlargement, modification, or replacement of a mobile home or modular home which does not conform to the provisions of this subchapter requires an application for variance in accordance with town ordinances, and this requirement also applies should the town establish ordinances for zoning subsequent to the adoption of this subchapter. A decision as to whether or not the change, extension, enlargement, modification, or replacement will be allowed will be made by the Town Council.

(Ord. 813, passed 7-8-2003)



## **TABLE OF SPECIAL ORDINANCES**

### **Table**

- I. FRANCHISES AND AGREEMENTS**
- II. VACATIONS**



**TABLE I: FRANCHISES AND AGREEMENTS**

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i>                                 |
|-----------------|--------------------|----------------------------------------------------|
| 798             | 7-7-1998           | Granting gas franchise to Northern Gas of Wyoming. |



**TABLE II: VACATIONS**

| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Description</i>                                                                                                                           |
|-----------------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 823             | 11-8-2005          | Vacating a portion of Market Street, New York Avenue, Wyoming Avenue, and two alleys within Block 1 and Block 2, first addition to the town. |
| 832             | 10-14-2008         | Vacating a portion of the alley in Block 37 of the original town site.                                                                       |



## **PARALLEL REFERENCES**

References to Wyoming Statutes

References to Prior Code

References to Ordinances



## REFERENCES TO WYOMING STATUTES

| <i>Wyo. Stat. Code</i> | <i>Code Section</i> |
|------------------------|---------------------|
| 12-1-101(a)(ii)        | 110.38              |
| 12-1-101(a)(ii)(E)     | 110.38              |
| 16-3-101 et seq.       | 31.05               |



## REFERENCES TO PRIOR CODE

| <i>Prior Code</i> | <i>2025 Code</i> |
|-------------------|------------------|
| 1-1               | 10.01            |
| 1-2               | 10.02            |
| 1-3               | 10.03            |
| 1-4               | 10.04            |
| 1-5               | 10.99            |
| 1-6               | 10.05            |
| 1-7               | 11.01            |
| 2-1               | 30.01            |
| 2-2               | 30.02            |
| 2-3               | 30.03            |
| 2-4               | 31.01            |
| 2-5               | 31.02            |
| 2-6               | 31.02            |
| 2-7               | 31.02            |
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| 2-22              | 31.38            |
| 2-23              | 31.39            |
| 2-24              | 31.50            |

## Hudson - Parallel References

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| 2-25              | 31.51            |
| 2-26              | 31.52            |
| 2-27              | 31.53            |
| 2-28              | 31.65            |
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| 2-30              | 30.05            |
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| 2-33              | 30.08            |
| 2-34              | 10.20            |
| 2-35              | 10.21            |
| 2-36              | 10.22            |
| 3-1               | 110.01           |
| 3-2               | 110.02; 10.99    |
| 3-7               | 110.03           |
| 3-8               | 110.99           |
| 3-9               | 110.15           |
| 3-10              | 110.16           |
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| 3-12              | 110.18           |
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| 3-14              | 110.31           |
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| 3-18              | 110.35           |
| 3-19              | 110.36           |
| 3-20              | 110.37           |
| 3-21              | 110.38           |
| 7-6               | 90.15            |
| 7-7               | 90.16            |
| 7-8               | 90.17            |
| 10-1              | 51.001           |
| 10-2              | 51.002           |
| 10-3              | 51.003           |
| 10-4              | 51.004           |
| 10-5              | 51.005           |
| 10-8              | 51.020           |

## References to Prior Code

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| <i>Prior Code</i> | <i>2025 Code</i> |
|-------------------|------------------|
| 10-9              | 51.021           |
| 10-10             | 51.022           |
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| 10-12             | 51.022           |
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| 10-27             | 51.039           |
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| 10-30             | 51.040           |
| 10-31             | 51.040           |
| 10-32             | 51.065           |
| 10-33             | 51.066           |
| 10-33(I)          | 51.067           |
| 10-35             | 51.068           |
| 10-36             | 51.069           |
| 10-37             | 51.070           |
| 10-38             | 51.071           |
| 11-8(I)           | 150.008          |
| 11-1              | 150.001          |
| 11-2              | 150.002          |
| 11-3              | 150.003          |
| 11-4              | 150.004          |
| 11-5              | 150.005          |
| 11-6              | 150.005          |
| 11-7              | 150.006          |

| <i>Prior Code</i> | <i>2025 Code</i> |
|-------------------|------------------|
| 11-8              | 150.007          |
| 11-9              | 150.020          |
| 11-10             | 150.021          |
| 11-11             | 150.022          |
| 11-12             | 150.022          |
| 11-13             | 150.023          |
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| 11-42             | 150.073          |
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| 11-44             | 150.075          |
| 11-45             | 150.076          |

| <i>Prior Code</i> | <i>2025 Code</i> |
|-------------------|------------------|
| 11-46             | 150.077          |
| Chapter 14        | 111.29           |
| 14-1              | 111.01           |
| 14-2              | 111.02           |
| 14-3              | 111.03           |
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| 15-1              | 50.01            |
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| 15-3              | 50.03            |
| 15-4              | 50.04            |
| 15-5              | 50.05            |
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| 15-7              | 50.06            |
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|-------------------|------------------|
| 15-19             | 50.27            |
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| 15-23             | 50.29            |

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| <i>Ord. No.</i> | <i>Date Passed</i> | <i>Code Section</i>                                                   |
|-----------------|--------------------|-----------------------------------------------------------------------|
| 790             | 4-8-1997           | 32.01; 32.02; 32.03                                                   |
| 797             | 1-6-1998           | 31.06                                                                 |
| 790-A           | 2-2-1998           | 32.04                                                                 |
| 798             | 7-7-1998           | TSO Table I                                                           |
| 810             | 11-12-2002         | 91.01—91.06; 91.99                                                    |
| 811             | 2-11-2003          | 92.01; 92.04; 92.05; 92.20; 92.21;<br>92.38—92.44; 92.55—92.60; 92.99 |
| 813             | 7-8-2003           | 151.01; 151.02; 151.15—151.30;<br>151.45—151.50                       |
| 815             | 1-13-2004          | 10.99                                                                 |
| 817             | 2-10-2004          | 51.006; 51.007; 51.999                                                |
| 818             | 2-10-2004          | 50.30; 50.99                                                          |
| 822             | 11-8-2005          | 10.99                                                                 |
| 823             | 11-8-2005          | TSO Table II                                                          |
| 825             | 7-11-2006          | 92.03; 92.99                                                          |
| 830             | 11-13-2007         | 51.041—51.050; 51.999                                                 |
| 832             | 10-14-2008         | TSO Table II                                                          |
| 856             | - -2024            | 92.01; 92.02; 92.22; 92.35; 92.36; 92.37;<br>92.61                    |
| 3-01-25         | 4-1-2025           | 50.45—50.59; 50.99                                                    |
| 858             | 6-10-2025          | 50.11                                                                 |
| 909             | 6-10-2025          | 52.01—52.05; 90.01                                                    |



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