



**ORDINANCE NO. 1050**

**AN ORDINANCE AMENDING CHAPTER 8.20 PERTAINING TO PROPERTY MAINTENANCE AND NUISANCE ABATEMENT REQUIREMENTS AND SECTION 10.48.070 PERTAINING TO PARKING OF RECREATIONAL AND UTILITY VEHICLES AND TRAILERS ON PUBLIC STREETS**

**WHEREAS**, the City of Douglas (City) Council finds and determines that the following changes and clarifications need to be made in regard to the City of Douglas Municipal Code; and

**WHEREAS**, consideration has been given to ensure fairness to all City of Douglas residents and make new regulations reasonable.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DOUGLAS, WYOMING:**

**Section 1.** Chapter 8.20 – PROPERTY MAINTENANCE AND NUISANCE ABATEMENT REQUIREMENTS of the Douglas Municipal Code is hereby amended to read as follows:

**8.20.010 Power to declare nuisances.**

The city council shall have the power to declare nuisances by way of ordinance, including, but not limited to, the nuisances declared in this chapter.

**8.20.015 Purpose.**

The property maintenance and nuisance abatement requirements are designed to ensure public health, safety and welfare by regulating and governing the conditions and maintenance of property and improvements within the city; by providing standards essential to ensure that structures and properties are safe, sanitary and fit for occupation and use; to improve the appearance of the city; encourage a more attractive environment; improve quality of life, and increase the value of properties within the city.

**8.20.017 Definitions.**

As used in this chapter:

- A. "Abate" or "abatement" means the action taken to remove or alleviate a nuisance, including but not limited to, demolition, removal, repair, boarding and securing or replacement of property.
- B. "Community Service Officer" includes such designated positions as are employed thereby for the enforcement of this city municipal code, or those individuals within the Police Department that are otherwise designated by the City Manager to perform those functions.
- C. "Imminent Threat" refers to a verified, specific, and impending danger. It is a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm, and/or serious damage of property to another.
- D. "Written Warning" shall mean that written warning prepared by the city to provide notice to individuals determined to be responsible for a public nuisance, or requiring notice of such due to their position, of that public nuisance.
- E. "Nuisance" or "public nuisance" means any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial loss in the value of other property in the neighborhood in which such premises are located or promotes urban blight and deterioration, or invites plundering, or creates fire hazards, or constitutes an attractive nuisance creating a hazard to the health and safety of minors, or creates a harborage for vermin, or to be injurious to the health, safety and general welfare of the public. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:



1. Any nuisance declared in this chapter or within the entire city municipal code;
  2. Abandoned, discarded or unused objects or equipment including, but not limited to automobiles, furniture, stoves, refrigerators, freezers, cans, or containers.
- F. "Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights and duties.
- G. "Occupier" or "occupant" shall mean that person(s) actually occupying the property.
- H. "Owner" or "property owner" shall mean that person(s) shown in Converse County tax records to be the recorded owner of the property. In the case of a landlord-tenant situation, regardless of any written lease, the landlord shall be solely liable for any violation maintained on the real property or other locations specified by this chapter.

**8.20.020 Applicability and enforcement.**

- A. The provisions of this chapter shall apply to all matters affecting or relating to the maintenance of buildings and premises and the abatement of nuisances.
- B. The Community Service Officer shall be responsible for enforcing the provisions of this chapter and the Community Service Officer is appointed as special municipal officer pursuant to Wyoming Statutes Section 15-1-103(l) to issue criminal citations in the enforcement of this chapter.

**8.20.030 Investigations and inspections.**

The Community Service Officer and/or building official shall investigate complaints and conduct inspections of violations of the provisions of this chapter. Reports of such investigations and inspections shall be in writing. The Community Service Officer and building official are authorized to engage such expert opinion as deemed necessary to report unusual technical issues that may arise, subject to the approval of the City Manager.

**8.20.040 Right of entry.**

The Community Service Officer is authorized to enter upon premises at reasonable times to investigate or inspect, with the permission of the owner, owner's agent, or occupant. The Community Service Officer shall carry proper identification when investigating or inspecting premises in the performance of duties under this chapter.

**8.20.045 Search warrant.**

- A. The Community Service Officer may make application to the municipal court for authority to enter upon land to examine nuisances for the purpose of making a determination as to whether a public nuisance exists and/or securing information as to the ownership of a vehicle or item thought to constitute a public nuisance and/or securing information as to the identity of the person or persons in control of the land where the vehicle or item is situated.
- B. The municipal court has authority to issue search warrants and other process necessary to enforce this chapter.
- C. A warrant shall issue only upon affidavit sworn to before a municipal judge that establishes the grounds for issuing the warrant. If the judge is satisfied that the grounds for the application exist or that there is probable cause to believe that they exist, he shall issue a warrant identifying the purpose of the search, and naming or describing the place to be searched. The warrant shall be directed to the Community Service Officer authorized to enforce or assist in enforcing the laws of the state or of the city. The warrant shall state the grounds or probable cause for its issuance and the names of the persons whose affidavits have been taken in support thereof. The warrant shall command that the search take place forthwith. The warrant shall direct that it be served in the daytime, but for good cause shown, the warrant may direct that it be served at any time.



**8.20.050 Written Warning form.**

Whenever the Community Service Officer is of the opinion that any condition is a public nuisance as defined within this code, the Community Service Officer shall give a written warning to the owner of the condition, if his or her address is known, to the owner of the land where the condition is located, or any person occupying property, or to any other person or entity known by the Community Service Officer to have a security interest in the alleged public nuisance. Such written warning shall include substantially the following information:

- A. The name of the person who is the owner as disclosed in the tax records of Converse County, Wyoming, or otherwise recorded; the name of the person who is the occupant of the property if known, or the name of the person/entity who has a security interest if known;
- B. The date of the inspection of the property;
- C. A description of the real property, by street address or otherwise, on which the nuisance exists;
- D. A statement that a certain condition is a nuisance within the provisions of this chapter and in the case of a vehicle, the written warning should include make, year and vehicle identification number if reasonably possible;
- E. A statement that such nuisance must be abated within ten (10) days from the date on the written warning;
- F. A statement that if the nuisance is not abated within the time provided, the city may abate the nuisance, and the cost of abatement may be charged to the owner of the nuisance or assessed against the land upon which the nuisance exists or both;
- G. A statement that failure to abate the nuisance may result in a city abatement and/or criminal charges.
- H. A statement that any repetition of such violation within the same month shall not be issued a written warning but shall immediately be cited into Municipal Court.
- I. A statement that any repetition of such violation within the same calendar year may not be issued a written warning and may immediately be cited into Municipal Court.

**8.20.060 Method of service – written warnings.**

- A. If, after inspection of the premises, the Community Service Officer determines that a public nuisance exists, a written warning of violation shall be served upon the owner of property on file with the Converse County Assessor for tax purposes, the occupant of the property if different than the owner, or both. The written warning shall be served in one (1) or more of the following ways:
  - 1. Personal service by the Community Service Officer; or
  - 2. Certified mail, return receipt requested, signature required; or
  - 3. Posting a copy of the written warning in some conspicuous place on the offending property. In the case of vehicles, where practical, the written warning shall also be affixed to the windshield or some other part of the vehicle where it can be easily seen. Where affixing the written warning to a vehicle is impractical, and in the case of other nuisances, the written warning shall be posted at the site or on the premises where the nuisance exists; or
  - 4. If a violator is a business entity, the citation may be served either at the violator's usual place of business with an employee of the violator then in charge of such place of business or by delivering a copy of the citation to an agent authorized by appointment or by law to receive service of process.
- B. Proof of service shall be made naming the person to whom the written warning was given and specifying the time, place and manner thereof, by the certification of any officer or employee of the city, affidavit of any person over eighteen (18) years of age, naming the person to whom the written warning was given and specifying the time, place and manner thereof. Proof of service shall be made



in each case and maintained for a period of two (2) years from the date of abatement of the nuisance for which the written warning has been given.

- C. Receipt of service of the written warning shall be deemed completed upon delivery by personal service, by mailing of the certified letter plus three (3) days.
- D. A statement that any repetition of such violation within the same month shall not be issued a written warning but shall immediately be cited into Municipal Court.
- E. A statement that any repetition of such violation within the same calendar year may not be issued a written warning and may immediately be cited into Municipal Court.

**8.20.062 Owner to abate.**

- A. Upon receipt of the written warning as specified in Section 8.20.050, the owner of the property shall abate the nuisance, and provide proof thereof to the Community Service Officer, within ten (10) days from the date specified in the written warning.
- B. In the event that the owner is unable to complete the abatement within the prescribed period of time, but has undertaken substantial steps toward abatement, the Community Service Officer may grant an extension of the specified period of abatement for not more than an additional twenty (20) days, subject to such conditions as may be specified by the Community Service Officer.
  - 1. Any extension of time shall be in writing, as shall be any conditions imposed thereon.
  - 2. No more than one (1) extension shall be granted.

Exception: Upon reasonable request and circumstances the Community Service Officer may approve longer extensions based on an adopted Extension Matrix approved by the City Manager.

- C. With concurrence of the Chief of Police and City Manager, the Community Service Officer may initiate an immediate abatement on a property that constitutes an imminent threat of danger to human life or substantial loss of property to another.

**8.20.070 Correction or abatement by city—Recovery of costs.**

- A. The city shall make an effort to abate the nuisance at the least destructive or intrusive manner as is reasonable under the circumstances.
- B. Any materials removed and salvaged by the city in the abatement of the public nuisance may be sold for salvage and the proceeds deposited into the general account of the city. Those funds shall be applied to offset the cost of the abatement by the city, with any excess funds being sent to the owner of the property.
- C. The city shall be entitled to employ private contractors to assist in the abatement of the public nuisance and use salvage funds to reimburse the expenses incurred therein. If private contractors are utilized, the city shall impose a twenty (20) percent administrative fee on the offending property owner.
- D. After compilation of the costs and charges incurred by the city for the abatement of the public nuisance, offset by any receipt of funds for salvaged materials, the city shall mail by certified mail, return receipt requested to the owner of the property a statement of the outstanding balance owed by the owner to the city for the nuisance abatement. Such balance shall be due and owing not more than thirty (30) days following the mailing of the statement. The statement shall also include a statement of the rights of the owner to appeal such amounts as have been expended on the abatement of the nuisance within ten (10) business days of the date of mailing.
- E. If the owner of the property wishes to contest the amount that was expended on the nuisance abatement, or the amount received from the salvaged materials, he may file a written notice of appeal, in person or by certified mail, with the clerk of the municipal clerk within ten (10) business days from the date of mailing of the statement of charges. If no appeal is filed within that period, the appeal shall be deemed waived and the statement amount shall be immediately due and owing to the city.



- F. If the owner files an appeal of the amount owed, then the matter shall be set for hearing with the municipal judge within thirty (30) days from the date the notice is received by the clerk.
- G. If payment in full is not received by the city within thirty (30) business days from the time the statement became final, then such shall be entered as a lien against the property and filed with Converse County. Further, the city may take appropriate action to collect the same, including, but not limited to, referral to a collection agency, reducing costs to judgment, or making the costs a special assessment or lien on the property involved. The foregoing cost, judgment, assessment or lien shall be in addition to any other penalty imposable under this chapter or any other lawful statute. Interest on the lien shall accrue at the maximum statutory rate.

**8.20.080 Penalty for noncompliance – citations.**

- A. It shall be the duty of any person receiving a written warning of a public nuisance as provided in this chapter to comply with the provisions of the written warning and to respond to such written warning within ten (10) days from the date on the written warning, and if such person shall fail or refuse to abate such nuisance within ten (10) days from the date on the written warning without just cause or within an extension of time given by the Community Service Officer, such failure is declared to be unlawful and shall constitute a misdemeanor. Every twenty-four (24) hour period such nuisance persists to exist shall constitute a separate violation.
- B. It is unlawful and shall constitute a misdemeanor for any person, within ten (10) days from the date on the written warning, to remove any vehicle or junk from private property to any other private property upon which storage is not permitted, or onto any public property.
- C. A violator may be assessed a fine of up to seven hundred fifty dollars (\$750.00). In addition to the fine, the court may also order the nuisance abated and assess any costs incurred by [the] city to abate nuisance if the nuisance is not abated by the violator. All fines obtained on convictions under this section shall be forwarded to the city's general fund to be utilized for costs the city incurs for nuisance abatement.
- D. Citations issued to violators shall be personally served on the violator. If a violator is a business entity, the citation may be served either at the violator's usual place of business with an employee of the violator then in charge of such place of business or by delivering a copy of the citation to an agent authorized by appointment or by law to receive service of process. If a violator fails to appear for any court appearance without good cause, a warrant for their arrest may be issued.

**8.20.090 Reserved.**

**8.20.095 Waiver of abatement costs.**

- A. Notwithstanding the other provisions of the ordinance codified in this section, the cost of abating a nuisance shall be waived for those Wyoming residents meeting the same resource eligibility requirements under W.S. 39-11-109(c)(ii) through (vii). All persons wishing to qualify for waiver of nuisance abatement costs must:
  - 1. Furnish proof of the age and/or income requirements as set forth in W.S. 39-11-109(c)(ii) through (vii);
  - 2. Must own, or be in the process of purchasing the property on which the nuisance is abated; and
  - 3. Be living on the property from which the nuisance is abated.
- B. Applications for waiver of nuisance abatement costs shall be filed with the City Manager on forms supplied by the city, within ten (10) days after receipt of a notice of assessment statement as required under Section 8.20.070. All information required to be given on such form shall be supplied and verified by the applicant. The maximum amount that may be waived under this section for any one (1) parcel of real property or any one (1) person shall be five hundred dollars (\$500.00) per calendar year and shall be the determination of the City Manager or the municipal judge.



**8.20.097 Personal liability of owner.**

The owner of the property on which a public nuisance was abated by the city shall be personally liable to the city for the reasonable costs incurred as a result of that abatement.

**8.20.099 Removal—Voluntary consent—Affidavit.**

The author of a nuisance may voluntarily consent to its removal by the city. To give such consent, all responsible persons of the property shall execute an affidavit acceptable to the City Manager, stating that there are no other responsible person(s) of the property; that the responsible person(s) waive the right to hearing under Section 8.20.064; that the responsible person(s) will reimburse the city for the actual costs of removal and administrative overhead attributable to removal (or is eligible for a waiver of abatement costs under Section 8.20.095); and that reimbursement will be made to the city within thirty (30) days of removal (unless eligible for a waiver of abatement costs under Section 8.20.095). The affidavit shall contain an agreement by the responsible person(s) to indemnify the city for any loss, damage or expense alleged by any person as a result of removal or disposal. The affidavit shall release the city from any and all liability on account of the removal and disposal of a nuisance.

**8.20.102 Other methods of abating nuisances.**

Nothing in this title shall be deemed to limit the use of other lawful methods of abating nuisances, including, but not limited to, taking action in district court.

**8.20.104 Severability.**

If any section, subsection, sentence, clause, phrase or portion of the ordinance codified in this chapter is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance codified in this chapter.

**8.20.110 Offensive drains, pools and sewers—Grading and drainage.**

- A. It is unlawful to cause or permit any cellar, private drain, ditch, pool, sewer or other thing or place upon any premises to become foul, offensive, or injurious to public health.
- B. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon. It is unlawful to permit water to stand on any lot or premises until such water becomes foul or offensive or injurious to the public health, or to allow water to collect in any container on any lot or premises until such water supports mosquito breeding.
- C. Roof water shall not be discharged in a manner that creates a public nuisance.

Exception: Approved retention areas and reservoirs.

**8.20.120 Open cellars, pits or vaults.**

It is unlawful to leave, keep open, or cause to be left open, unattended or unprotected any cellar door, pit, grating or cap of any vault or other subterranean opening so that passersby may fall in or may be in danger of falling into such opening.

**8.20.140 Individual sewage disposal systems.**

It is unlawful to operate or use any individual sewage disposal system, privy or sewage vault within the city limits, unless authorized by the city.

**8.20.150 Discharging offensive fluid matter.**

It is unlawful to discharge or permit to be discharged or flow from any premises into or onto any adjacent property, any foul, noxious or malodorous liquid or any fluid matter that is or may become offensive.



**8.20.160 Accumulation of refuse, garbage, and debris.**

It is unlawful for any person owning or occupying a lot or premises, or for that person's agent, to permit or cause the accumulation of garbage, refuse, or debris as defined in this section upon the lot or premises which causes or tends to cause substantial loss in the value of other property in the neighborhood in which such premises are located or which is found to be injurious to the health, safety and general welfare of the public. Nothing in this section is intended to prohibit the accumulation of such garbage, refuse or debris in or upon establishments or premises lawfully authorized for the purpose of treating or disposing of accumulated garbage, refuse or debris such as authorized junkyards and landfills.

"Debris" means discarded automobile parts or tires, household appliances, furniture or equipment, billboard refuse, silt from automobile washracks, dead animals, large or bulky boxes, barrels, tanks or containers, any refuse resulting from the wrecking, construction or reconstruction of any building, fence, sidewalk or structure of any kind or character, or any discarded refuse of a highly explosive or inflammable nature, or anything whatsoever which may be found to be unsanitary, dangerous or injurious to the health, safety and general welfare of the public.

"Garbage" means any and all kitchen refuse, waste food, offal or animal matter or anything whatsoever which may decompose and become offensive, foul, unsanitary or dangerous to health.

"Refuse" means any and all grass clippings, leaves, weeds, or other yard waste, hay, straw, paper, rubbish, containers, glass, cans, bottles and any and all other material commonly known as rubbish or refuse of any kind, except as excluded in this chapter.

**8.20.165 Junked vehicles, and unlicensed or inoperative vehicles.**

It is unlawful for any person owning or occupying a lot or premises, or for that person's agent, to permit or cause the accumulation of junked vehicles upon the lot or premises. Nothing in this section is intended to prohibit the accumulation of such junk vehicles in or upon establishments or premises lawfully authorized and/or expressly permitted.

- A. "Junked vehicle" means any vehicle originally designed or constructed to be self-propelled, regardless of whether it contains an engine, including, without limitation, automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies, off-road vehicles, and boats on private property which are found to either:
1. Be wrecked, abandoned, dismantled, partially dismantled, discarded, or inoperative;
  2. Promote blight and deterioration;
  3. Invite plundering;
  4. Create fire hazards;
  5. Create a harborage for insects, rodents, skunks and other vermin;
  6. Constitute an attractive and dangerous nuisance creating a hazard to the health and safety of minors; or
  7. Which causes or tends to cause substantial loss in the value of other property in the neighborhood in which such premises are located or which is found to be injurious to the health, safety and general welfare of the public.
- B. For purposes of this section, any one (1) of the following nonexclusive circumstances existing prior to, or at the time a written warning is delivered, shall be considered evidence that a vehicle upon private property constitutes a public nuisance:
1. Not less than thirty (30) days have passed without the vehicle being removed or screened;
  2. A vehicle which is totally or partially suspended above the ground by jacks, blocks or other devices, except for a vehicle undergoing active repair, for up to forty-eight (48) hours when the same is being repaired;
  3. A vehicle which does not display a current license plate, tag or valid temporary permit, except those in possession of licensed dealers for the purpose of sale at the place licensed for the sale;

4. A vehicle which is inoperative, or in a state of major disassembly or disrepair, or which is in the process of being stripped or dismantled, other than for up to thirty (30) days when repairing the same; or
5. A racecar that is not currently actively engaged in racing and equipped for racing with roll cage, windows removed, driver's name, sponsors and/or number displayed. Any racecar shall be concealed behind a six (6) foot opaque fence or within an enclosed building, with the exception of not more than ten (10) days prior to or following the date of the race event.
6. Demolition derby cars; or vehicles in an operable condition specifically adapted or constructed for exclusive operation on raceways, or parts thereof shall be considered junked vehicles ten days (10) following the demolition race in which they were used.

Demolition derby cars shall not be permitted on residential property more than fourteen (14) days prior to the event in which the demolition derby racecar is entered. Proof of event registration may be required.

Within no more than ten (10) days following the date of the race event, any demolition derby car shall be concealed behind a six (6) foot opaque fence or within an enclosed building.

C. Exceptions. This section does not apply to:

1. Vehicle storage incident to an automobile sales, towing, storage or repair business operated in compliance with all applicable law; or
2. The storage of wrecked, junked or inoperative vehicles by a lawful salvage business operating in compliance with all applicable law; or
3. For use in refurbishing and restoring vehicles as a hobby, a property owner may keep on his/her property no more than one (1) unlicensed or inoperative vehicle and materials involved with the repair and restoration of said vehicle on any portion of their property in compliance with 16.5.8.3(F) *Parking in Residential Zone Districts*, provided the materials are effectively concealed from view.
4. Vehicles in compliance with 16.5.8.3(F) *Parking in Residential Zone Districts* provided that any vehicle that is inoperable or not licensed shall be effectively concealed from view.
5. Vehicles may be stored in a rear yard that is completely enclosed with a minimum six (6) foot opaque fence.

"Effectively concealed from view" means any vehicle which is maintained in such a manner that it does not constitute a health hazard, does not attract children, rodents or pests, and which is located so that it is not readily visible from a public place or surrounding private property, or is enclosed in a building, or is completely covered with an intact, opaque cover designed for said vehicle (e.g., custom fit car cover), or is concealed behind appropriate opaque fencing.

#### **8.20.170 Burning garbage and refuse.**

It is unlawful for any person to burn or cause to be burned any garbage, waste, packing material, trash, refuse, discarded boxes or other materials within the corporate limits of the city without first having obtained written permission from the fire chief through the Burn Permit. Burn Permit applicant/property owner shall notify the Fire Department, the Police Department and Dispatch one (1) hour prior to starting the burn.

#### **8.20.175 Private roads.**

Private roads are defined as any way or place, whether paved or unpaved, in private ownership and maintenance used for vehicular travel by the owner and those having express or implied permission from the owner, which provides access to three (3) or more residences, and which is not dedicated as a city street.

Maintenance of private roads shall be the sole responsibility of the landowner(s).

All private roads shall, at a minimum and unless otherwise specified in this code, be graded in such a way as to be maintained free from potholes, ruts, and other obstructions, and to provide adequate



drainage from the road surface for the provision of safe and convenient vehicular access from abutting streets for area residents, emergency responders, and utility providers. Road surfaces shall be comprised of a minimum of three (3) inches of compacted gravel or an alternative aggregate approved by the city engineer, with appropriate measures to control dust. Dirt, mud, gravel or aggregate tracked onto paved, public streets must be removed as soon as practical.

Upon notification of violation of these conditions, the owner of said roads shall have ten (10) days from the date of the written warning to bring the streets into compliance, as outlined in Section 8.20.062 of this code. As specified in that section, one (1) twenty (20) day extension may be granted by the Community Service Officer. Any additional extension shall be based on extraordinary circumstances and at the discretion of the Police Department. In the event that the road is not timely brought into compliance, the city shall have recourse to all enforcement options enumerated within title 8.20 of this code.

**8.20.190 Removal of snow and ice.**

- A. Sidewalks. Owners and/or occupants of property abutting a sidewalk shall, after a snowfall, remove snow, ice or slush from such sidewalks and maintain them free of the same. All persons or entities owning, occupying, or having control of certain premises, a building or an empty lot located within commercial zones in the city shall clear the sidewalks of snow, in front of or on the side of said premises, building or empty lot located adjacent to a public street after any snowfall accumulation by five (5:00) a.m. the following day. All persons owning, occupying, or having the control of premises, a residence, a building or empty lot located within all other zones in the City of Douglas shall cause such snowfall accumulation to be removed from sidewalks on the boundary of their premises, residence, building or empty lot within five (5) days. If any owner or occupant of the property fails to comply with this subsection, the city may, after a reasonable effort to contact the owner and/or occupant either in person or by telephone, have the snow ice or slush removed and charge the owner or occupant for the costs thereof, as provided in Section 8.20.070.
- B. Except as provided for in subsection C below, it is unlawful for any person to remove snow from private property and place the same on a public right-of-way or without adequate arrangements for the immediate removal thereof. For the purposes of this section, public right-of-way means the area on, below, or above a public roadway, highway, street, alley, bridge, sidewalk, or utility easement dedicated for compatible uses, but excepting therefrom any area between the sidewalk and the public roadway.
- C. Persons owning or leasing property within the commercial zone for the city, as defined by the official City of Douglas zoning map, shall be allowed to push the snow, ice, and slush from their sidewalk into the public street subject to the following conditions:
  - 1. The snow must be pushed into the street as provided for herein by five (5:00) a.m. on the following day of a snow;
  - 2. Snow may only be pushed into the streets from concrete or asphalt surfaces.

**8.20.200 Weeds—Composting exception.**

- A. For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:
  - 1. "Native areas" means those areas adjacent to the city's open drainageways and areas of natural groundcover, and/or areas of extreme topography.
  - 2. "Drainageways" means a route or course along which water moves or may move to drain a region.
  - 3. "Wood plants" means perennial plant materials such as trees, shrubs, vines and groundcovers with woody fiber, which serve as desirable flora components of an urban landscape.
- B. Weed Removal. All premises and adjoining property, including the space between such property and the street and that portion of the alley adjoining such property, and the sidewalk areas abutting thereon, shall be maintained free from weeds and untended growth of vegetation in excess of eight (8) inches in height. The presence of such weeds may create a fire, safety or health hazard, or may



attract vermin either on the property, on neighboring properties, or on both. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided, however, this term shall not include cultivated flowers, gardens and lawns. Nothing in this subsection is intended to prohibit the use of tall, decorative grasses or plants as part of a landscaping or xeriscaping scheme.

Exception. Tracts of land greater than two (2) acres in size which are unsubdivided and unimproved and/or subdivided but unimproved, and under single ownership. Fire break required as per subsection C.

**C. Fire Break Required.**

1. It is the duty of every owner of any lot, or parcel of ground in the city, to mow and maintain a ten (10) foot strip for a fire break between their private property and the native areas adjoining the property.
2. Tracts of land greater than two (2) acres in size which are unsubdivided or subdivided, unimproved, contiguous, and under single ownership shall be mowed a minimum of ten (10) feet from the property line into the property or twenty (20) feet when adjacent to residential neighborhoods.
3. Drainageways, excluding the North Platte River, shall be mowed a minimum of ten (10) feet extending out from the top of the bank. When drainageways are adjacent to residential neighborhoods, they shall be mowed a minimum of twenty (20) feet extending out from the top of the bank. Woody plants located within this area are exempt from having to be mowed. The code enforcement officer, for reasons of erosion, spoilage of natural groundcover, etc., can deem the mowing of the drainageway to be impractical, and exempt from the mowing requirement.
4. Native areas and/or areas of extreme topography, as determined by the Community Development Department, and the natural vegetation contained therein, are exempt from the weed removal and height limitation provisions of this chapter with the exception of subsection C.1.

**D. Composting Exception.** The provisions of subsection A. do not prohibit the maintenance of a compost pile on residential property, so long as the compost pile does not create a hazard and is:

1. Contained;
2. Maintained so as not to produce offensive odors or attract flies or vermin;
3. Located, insofar as reasonably possible, so that it is not visible from abutting properties or streets;
4. Maintained in compliance with all rules, regulations and procedures that may be promulgated by the public works director.

**8.20.210 Rodent and insect harborage.**

- A. The interior of all buildings and structures shall be kept free from insect and rodent harborage and infestation where such infestation threatens the public health, safety or welfare. Where rodents or insects are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate insect and rodent harborage and prevent reinfestation.
- B. All exterior premises shall be kept free from infestation of insects, rodents and other noxious pests where such infestation threatens the public health, safety or welfare.
- C. Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings and the procedure for abatement of such condition shall be pursuant to such Code. Failure to comply with an order issued under such Code shall be a violation of Section 15.09.020 of the Douglas Municipal Code.

**8.20.211 Sidewalks, driveways and parking lots.**

The Public Works Department shall determine which sidewalk, driveways and parking lots need to be cited for this section 8.20.211 and the Community Service Officer shall enforce this section 8.20.211.



- A. All sidewalks, walkways, stairs, driveways, parking lots and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.
- B. It is unlawful to allow dirt, rubbish or refuse of any kind to be thrown, swept or pushed into the street adjacent to any store or place of business by the owner, manager or any employee or agent thereof. Each business establishment is held responsible for keeping the sidewalk and gutter adjacent to such building free of any accumulation of dirt, papers or refuse.

**8.20.212 Vacant and occupied structures and land.**

The Building Official/Inspector under the supervision of the Community Development Director shall enforce this section 8.20.212.

All property or premises, vacant or occupied, shall be maintained in a clean, safe, secure and sanitary condition so as not to adversely affect health and safety. All doors, windows and other openings of vacant structures shall be secured to prevent unauthorized entry. Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings and the procedure for abatement of such condition shall be pursuant to such Code. Failure to comply with an order issued under such Code shall be a violation of Section 15.09.020 of the Douglas Municipal Code.

**8.20.215 Interior sanitation.**

The Building Official/Inspector under the supervision of the Community Development Director shall enforce this section 8.20.215.

- A. The interior of every building or structure shall be maintained free from any unsafe or unsanitary accumulation of refuse and garbage.
- B. All sanitary facilities shall be installed and maintained in a safe and sanitary condition.
- C. Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings and the procedure for abatement of such condition shall be pursuant to such Code. Failure to comply with an order issued under such Code shall be a violation of Section 15.09.020 of the Douglas Municipal Code.

**8.20.220 Structure exteriors, accessory structures, fences and walls.**

The Building Official/Inspector under the supervision of the Community Development Director shall enforce this section 8.20.220.

- A. Structure exteriors, including fences and walls, shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare.
  - 1. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in good condition.
  - 2. Exterior stairways, decks, porches and balconies, and all appurtenances attached thereto, shall be maintained structurally sound, and in good repair.
  - 3. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
  - 4. Basement hatchways that provide access shall be equipped with devices that secure the unit from unauthorized entry. Such basement hatchways shall also be maintained to prevent the entrance of rodents, rain and surface water.
- B. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- C. Any person who maintains or permits the existence of the prohibited dangerous condition herein is in violation of the 1997 Uniform Code for the Abatement of Dangerous Buildings and the procedure for abatement of such condition shall be pursuant to such Code. Failure to comply with an order issued under such Code shall be a violation of Section 15.09.020 of the Douglas Municipal Code.



**8.20.230 Dilapidated structures.**

The Building Official/Inspector under the supervision of the Community Development Director shall enforce this section 8.20.230.

Buildings or structures that are so deteriorated, damaged, dilapidated, or in need of repair so as to present a threat to the public health, safety and welfare of the community constitute a nuisance and shall be abated by repair, rehabilitation or demolition as provided in Chapter 15.09 of this code.

**8.20.240 Protection for excavations.**

The Building Official/Inspector under the supervision of the Community Development Director shall enforce this section 8.20.240.

It is unlawful to make any excavation, dig any hole, drain, ditch or other opening without providing proper protection by a fence or suitable safety obstruction around such excavation in such a manner as to prevent persons or vehicles from falling into the same. Such fences or safety obstructions shall be readily visible at any time of the day or night by pedestrians, motorized and nonmotorized traffic.

**Section 2.** Section 10.48.070 of the Douglas Municipal Code is hereby amended to read as follows:

**10.48.070 Parking of recreational and utility vehicles and trailers on public streets.**

The purpose of this section is to address health, safety, and welfare concerns related to snow removal, street sweeping, traffic movement, ingress and egress from private property on to public right-of-ways, police observation of property, masking the presence of abandoned or inoperable vehicles, property values, and blight. The Community Service Officer shall have the authority declare a nuisance and enforce items listed in this section.

"Unit" means a recreational vehicle, recreational trailer, motor home, bus, detached camper, boat, construction trailer, utility trailer, horse trailer, oversize vehicle, or similar vehicle or trailer.

- A. Not more than one (1) unit may be parked within the paved portion of a public street adjacent to a building site and/or to the property to which the unit registration displays.
- B. Units must be legally registered and have the ability to be moved under their own power or the power of a motorized vehicle.
- C. Units shall not be parked in a manner that creates a vehicular or pedestrian traffic hazard.
- D. No units described in this section shall be parked on any arterial street.
- E. None of the units described in this section shall be used for dwelling or residential purposes.
- F. Short term parking, of no more than three (3) consecutive days of any thirty-day period, of units as defined in this section, is permitted provided such parking does not constitute a safety hazard, does not create a nuisance, and does not conflict with provisions of this Code. Any parking in excess of this time period is prohibited and is considered a nuisance.
- G. Construction units may be parked at a site, other than that which it is registered to, where it is actively being utilized as part of a working construction site for which a building permit has been issued. The unit shall be removed as soon as its use is deemed unnecessary by the Building Official. Construction units shall not create a safety hazard, create a nuisance, or conflict with provisions of this Code.

**PASSED AND APPROVED ON FIRST READING this 28th day of April, 2025.**

**PASSED AND APPROVED ON SECOND READING this 12th day of May, 2025.**

**PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING this 27th day of May, 2025.**

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Recorded 6/4/2025 At 3:54 PM

Karen Rimmer, Converse County Clerk & Recorder



Kim Pexton  
Kim Pexton, Mayor

Attest:

Sonya Ortega  
Sonya Ortega, City Clerk

Published: June 4, 2025



**ATTESTATION**

I, Sonya Ortega, the Clerk of the City of Douglas, Wyoming, do hereby attest and state that the above ordinance was published/posted in the manner required by law and that all procedures required by Wyoming State law were complied with.

Sonya Ortega  
Sonya Ortega, City Clerk