

RESOLUTION NO. _____
SUBLETTE COUNTY, WYOMING
A RESOLUTION ADOPTING NUISANCE REGULATIONS

WHEREAS, the Sublette County Board of Commissioners, under Wyoming Statute § 18-2-115(a) is required to establish standards for determining when a site may be declared a nuisance under Wyoming Statute § 18-2-101(a)(viii);

NOW THEREFORE BE IT RESOLVED, the purpose of this resolution is to protect and provide for the highest level of health, safety and welfare for Sublette County citizens and to promote and encourage maintenance of properties within Sublette County.

Section 1. General

- a) A site, property, tract, lot, building grounds, area or other property may be declared a nuisance by the Board of County Commissioners in conformance with Wyoming Statute § 18-2-101 et. seq. if a nuisance, as listed in Section 3 of the resolution exists on said site, property, tract, lot, building grounds, area or other property.
- b) The Board of Sublette County Commissioners authorizes and designates the Sublette County Planning & Zoning Administrator and/or the Sublette County Public Health Officer to investigate and determine the existence of a nuisance.

Section 2. Definitions

- c) “Nuisance” means any use or nonuse of property, real or personal, which poses a threat to the life, health, safety, or welfare of the citizens of Sublette County or which is otherwise defined at common law, Wyoming State Statute, or herein.
- d) “Screening” or “Screened” means the method by which the view from one property to another property is substantially shielded, concealed or hidden. Screening techniques include solid fences, walls, hedges, berms, or other approved features. No salvage items shall be used as a method of screening.
- e) “Accumulation” means massing or storing of material, debris, matter or waste in a manner that exceeds quantities that would commonly be considered reasonable or are significantly inconsistent with surrounding properties and like uses.
- f) “Vehicle” as defined by Wyoming Statute under Title 31.

Section 3. Nuisances

The following may be declared a nuisance by the Board of County Commissioners:

- a) The outside storage, keeping, or maintenance of more than five (5) inoperative and unlicensed vehicles, excepting those that are in conformance with the regulations of a specific zoning district;
- b) Any building or structure (as well as fencing and screening) shall be considered a nuisance when, for want of repair, dilapidated, defective, or other hazardous condition creates a threat to the public's health, safety, or welfare;
- c) The accumulation of animal manure, animal feces, and waste products that allow for breeding and propagation of insects and/or rodents, or surface water runoff from areas of animal manure or waste products onto adjacent or nearby properties or into water drainages that does not meet the EPA Livestock Manure Handling regulations;
- d) Containing or discharging runoff of water containing pollutants or foul-smelling substances;
- e) Diverting of runoff and drainage or causing standing water in a manner than adversely affects neighboring properties;
- f) Destabilizing of the ground surface in a manner that causes dust or other airborne matter which is offensive or dangerous to the health or safety of the public;
- g) Discharging septic system/sewage effluent onto the ground or into waterways;
- h) Causing or allowing the effluent from any cesspool septic tank, drain field, or sewage disposal system to discharge upon the surface of the ground;
- i) The accumulation of materials, debris, garbage, waste recyclables, or other scrap or junk material such as, but not limited to:
 - i. Combustible materials such as paper litter, cardboard or paper piles, piles of weeds or shrubbery trimmings, piles of wood, straw, hay, grass, etc., which by reason of its presence or manner of storage creates a potential fire hazard or presents a danger to any person;
 - ii. Any waste petroleum or other chemical product (solid or liquid) or solid waste (rubbish) of any kind, which by reason of its presence or manner of storage, could contaminate surface or ground water or

could inflict harm to the public directly by evaporation to the gaseous state, by burning or direct physical contact;

- iii. Commercial or household: appliances (washers, dryers, water heaters, refrigerators, etc.), equipment (tools, manufacturing equipment, metal products, construction equipment or materials, etc.), machinery, vehicles, vehicle parts, tires or similar items which, by reason of its presence or manner of storage presents a danger to the public or any person;
 - iv. Household or commercial building parts and fixtures such as furniture, counters, tables, flooring, foundations and wall materials, roofing materials, electrical parts, mechanical system parts, etc., which by its presence or manner of storage presents a danger to the public or any person;
- j) Allowing any discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health;
 - k) Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that creates a public health hazard;
 - l) Any condition or situation which renders a structure or any part thereof abandoned, unsanitary, unhealthy, or unfit for human habitation, occupancy, or use or renders any property unsanitary or unhealthy;
 - m) Failure to keep material, debris, waste, refuse, or garbage in a closed container designed for such purposes;
 - n) Burning garbage, weeds, and other debris in a manner that is dangerous to the health and safety of the public or any person;
 - o) The creating, placing, depositing, or dumping of any putrid or decayed animal or vegetable matter, liquid, chemical, solid waste, refuse, or garbage in a public or private place that creates a potential health or safety hazard.

Section 4. Exceptions

The following exceptions shall not be considered nuisances:

- p) The following vehicles are not considered a nuisance:

- i. Antique or historic motor vehicles, as defined by Wyoming Statute § 31-1-101(a)(xv)(A) and screened as defined in this section;
- ii. Vehicles kept in an enclosed garage or storage building;
- iii. Vehicles used for educational or instructional purposes by a proprietary school licensed in Wyoming and screened as defined in this section;
- iv. Vehicles kept by licensed establishments and authorized storage yards and screened as defined in this section;
- v. Vehicles and equipment relevant to any operation of farms and ranches.

Section 5. Violations

Violations of the foregoing provisions will be enforced through any method authorized for enforcement by Sublette County, or through the provisions of Wyoming Statutes § 18-2-101 (a)(viii) and 18-2-115. Such remedies may include injunction, mandamus or other form of judicial action and any other applicable method under law including but not limited to criminal citations. The selection of one remedy for enforcement shall not prohibit the implementation of any other remedies available under law. All remedies available may be used individually or cumulatively.

RESOLVED this _____ day of _____, 2019

BOARD OF COUNTY COMMISSIONERS

SUBLETTE COUNTY, WYOMING

David Burnett, Chairman

Joel E. Bousman, Member

Mack Rawhouser, Member

Thomas Noble, Member

Douglas Vickery, Member

Attest:

Carrie Long, County Clerk