

# Lusk Municipal Code 2004

Town of Lusk  
201 East 3rd Street  
P.O. Box 390  
Lusk, Wyoming 82225

## **PREFACE**

The Lusk Municipal Code has been codified and indexed by Van Graham. This codification was completed in 2004, and is a recodification and update of the Code of the Town of Lusk, 1978. This recodification includes the prior 1978 Code and all subsequent ordinances through September 1, 2004. The Code will be kept current through regular updates.

The Code is organized and classified to follow the general codification scheme of Wyoming Statutes. It is organized in Titles, and under each Title it is organized into Chapters. Under each Chapter the specific Code provisions are codified as Sections. For example, a citation to § 7-10-100 refers to Section 100 of Chapter 10 of Title 7. The Chapter numbers and Section numbers are organized to leave room for future expansion. Following each Section number is the ordinance history so far as is known.

In the Tables part of the Code book there are two tables. The first is a table of comparative sections which cross references the Section numbers in the 1978 Code of the Town of Lusk with the Section numbers in the 2004 Lusk Municipal Code. Some special ordinances were in the 1978 codification, such as annexations and franchises. These have not been codified in the Lusk Municipal Code, and in the table of comparative sections are indicated by “NC” where the cross reference would otherwise appear. The second table is a historical list of all ordinances of the Town of Lusk which have been enacted since the effective date of this Code.

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**1-5-100. Adoption.** Pursuant to the provisions of W.S. § 15-1-103(a)(xxxviii), there is hereby adopted the "Lusk Municipal Code," consisting of all the regulatory and penal ordinances and certain other administrative ordinances of the Town of Lusk, Wyoming. (Adoption Ordinance, 2004)

**1-5-110. Repeal of Existing Ordinances.** All ordinances not included in this codification are hereby repealed, subject to the exceptions in Section 1-5-120. (Adoption Ordinance, 2004)

**1-5-120. Effect of General Repeal.** The codified ordinances shall not affect any right which has accrued, any duty imposed, any penalty incurred, any tenure of office of any person holding office at the time the Lusk Municipal Code takes effect, or any action or proceeding commenced under or by virtue of the ordinance repealed. Any ordinances heretofore in force, such as are of a private, local or temporary nature including grants, dedications, bond issues, or special levies for local assessments do not come within the scope of the repeal clause contained in Section 1-5-110. (Adoption Ordinance, 2004)

**1-5-130. Title, Citation, Reference.** This code shall be known as the "Lusk Municipal Code" and it shall be sufficient to refer to said code as the Lusk Municipal Code in any prosecution for the violation of any provision thereof or in any proceeding at law or in equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the Lusk Municipal Code. Further reference may be had to the titles, chapters, sections, and subsections of the Lusk Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Adoption Ordinance, 2004; prior Code 1-101, 1978)

**1-5-140. Reference Applies to All Amendments.** Whenever a reference is made to the Lusk Municipal Code or to any portion thereof, or to any ordinance of the Town of Lusk, Wyoming, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Adoption Ordinance, 2004)

**1-5-150. Title, Chapter and Section Headings.** Title, chapter and section headings contained in the Lusk Municipal Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of the Lusk Municipal Code. (Adoption Ordinance, 2004; prior Code 1-103, 1978)

**1-5-160. Reference to Specific Ordinances.** The provisions of the Lusk Municipal Code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within the Lusk Municipal Code. (Adoption Ordinance, 2004)

**1-5-170. Effective Date.** The Lusk Municipal Code shall become effective on the effective date of the adoption of this code as the "Lusk Municipal Code." (Adoption Ordinance, 2004)

**1-5-180. Severability.** If any section, subsection, sentence, clause or phrase of the Lusk Municipal Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Lusk Municipal Code. The Town Council hereby declares that it would have passed the Lusk Municipal Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional; and if for any reason the Lusk Municipal Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Prior Code 1-104, 1978)

# TITLE 1

## GENERAL PROVISIONS

### Chapter 10

#### DEFINITIONS

##### Sections:

1-10-100      Definitions

**1-10-100. Definitions.** 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:

(a) Administrative official. The term "administrative official" shall mean the board, commission, committee, officer, agent or employee of the Town of Lusk 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.

(b) 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.

(c) County. The word "county" shall mean Niobrara County, in the State of Wyoming, in which the Town of Lusk is located.

(d) Gender. Words importing the masculine gender include the feminine and neuter.

(e) Governing body. The term "governing body" shall mean the elected legislative body of the municipality.

(f) In the municipality; in the corporate limits of the municipality. The words "in the municipality" or "in the corporate limits of the municipality" shall mean and include any territory with the corporate limits of the Town of Lusk, the police jurisdiction thereof and any other territory over which regulatory power has been conferred on the Town of Lusk by general or special act.

(g) 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.

(h) Month. The word "month" shall mean a calendar month.

(i) Municipality. The word "municipality" shall mean the city or town enacting the section in which the word "municipality" is used.

(j) Number. Words used in the singular include the plural and words used in the plural include the singular.

(k) Oath. The word "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" are equivalent to the words "affirm" and "affirmed."

(l) Owner. The word "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 managing agent or officer within the Town of Lusk.

(m) Person. The word "person" includes a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

(n) Personal property. The term "personal property" includes every species of property, except real property.

(o) Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

(p) Property. The word "property" includes real and personal property.

(q) Real property. The term "real property" includes lands, tenements and hereditaments.

(r) Shall; May. The word "shall" is mandatory, and the word "may" is permissive.

(s) Sidewalk. The word "sidewalk" means any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(t) State. The word "state" shall mean the State of Wyoming.

(u) State law. References to "state law" shall mean the Wyoming Statutes of 1977, as amended.

(v) Street. The word "street" shall mean and include public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the Town of Lusk.

(w) Tenant; occupant. The words "tenant" and "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.

(x) Tense. Words used in the past or present tense include the future as well as the past and present.

(y) Written; in writing. The words "written" or "in writing" shall include 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 mark, shall be required.

(z) Year. The word "year" shall mean a calendar year.

(Prior Code 1-102, 1978)

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**2-5-100. Composition of Council.** The Town Council of the Town of Lusk, Niobrara County, Wyoming, shall be composed of the mayor and four council persons. (Adoption Ordinance, 2004; prior Code 1-301, 1978)

**2-5-110. Regular Meetings.** Regular meetings of the Town Council of the Town of Lusk, Niobrara, Wyoming, shall be held at the office of the Town Clerk once each month, on the first Tuesday thereof, at the hour of 5:00 p.m., or as soon thereafter as possible, and such



meetings may be held from time to time as by adjournment or resolutions as council may direct. (Prior Code 1-302, 1978)

**2-5-120. Special Meetings; How Called.** The Mayor and any two councilmen, or a majority of the councilmen shall have the power to call special meetings of the Town Council, the object of which shall be submitted to the Council in writing, and the call and object, as well as the disposition thereof, shall be made a matter of record upon the journal; provided, that no vote of the Town Council shall be reconsidered or rescinded at a special meeting, unless at such meeting there be present at large a number of councilmen as were present when such vote was taken. (Prior Code 1-303, 1978)

**2-5-130. Quorum for Transaction of Business.** A majority of such Town Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. (Prior Code 1-304, 1978)

**2-5-140. Mayor Shall Preside at Council Meetings.** The Mayor shall preside at all meetings of the Town Council, and shall be entitled to one vote on all questions and no more. (Prior Code 1-305, 1978)

**2-5-150. Mayor pro tem; Powers.** The Town Council shall elect one of their body as "Mayor pro tem" who shall preside at all meetings of the Council in the absence of the Mayor, and the Mayor pro tem when occupying the place of the Mayor, shall have the same privileges as other members of the Council, and all acts of the Mayor pro tem while so acting, shall be as binding upon the Council and upon the Town, as if done by the Mayor. (Adoption Ordinance, 2004; prior Code 1-306, 1978)

**2-5-160. Vacancies.**

(a) A vacancy exists in the office of mayor or councilman if during the term for which elected any mayor or councilperson:

- (i). Fails the residency requirement of living within the corporate limits of the Town of Lusk;
- (ii). Is convicted of a felony;
- (iii). 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 subsection (b) below; or
- (iv). Meets any other condition specified in Wyoming Statute § 22-18-101.

(b) When it is brought to the attention of the Town Council that a vacancy may exist in the office of the mayor or a council person, the Town Council will hold a public hearing to determine whether a vacancy exists. The person holding the office for which a vacancy may exist shall be given notice of the hearing at least 14 days before the hearing. On the date set for hearing, the Town Council shall make inquiry whether a vacancy exists under this section, and the person holding office for which the vacancy may exist shall be given an opportunity to be heard. If, after hearing, the Town Council determines a vacancy exists, it shall declare a vacancy and proceed to fill the vacancy.

(c) If a vacancy is determined to exist, the governing body shall appoint an eligible person to the office who shall serve until the person's successor is elected at the next general municipal election and qualified.

(d) A vacancy in the office of mayor shall be filled only from the governing body. (Adoption Ordinance, 2004; prior Code 1-309, 1978)

**2-5-170. Proceedings of Council.** At the hour appointed for meeting, the members will be called to order by the Mayor, and in his absence by the Mayor pro tem, and the Clerk will proceed to call the roll, note the absentees, and announce whether a quorum is present. If a quorum is present, the Council will set the agenda and proceed with the business before it. (Adoption Ordinance, 2004; prior Code 1-310, 1978)

**2-5-180. Amendment Or Suspension of Order of Business Or Rules.** The foregoing rules and order of business may be amended or suspended at any meeting only by a two-thirds vote of all the members elected to the Town Council. (Prior Code 1-311, 1978)

**2-5-190. Presentment of Bills.** All bills for labor, materials, or goods shall be presented with appropriate vouchers, itemizing the labor, materials or goods, and giving the date or dates provided. All bills properly presented will be acted upon by the Town Council. (Adoption Ordinance, 2004; prior Code 1-312, 1978)

**2-5-200. Appropriations.**

(a) The fiscal year of the Town of Lusk begins July 1 in each year. The governing body of the Town of Lusk, within the last quarter of each fiscal year, shall pass an annual appropriation ordinance for the next fiscal year in which it will appropriate an amount of money necessary to defray all expenses and liabilities of the Town. Due to the change of the Town's fiscal year beginning on April 1 of each year to a fiscal year beginning on July 1 of each year as required by state law, for the year 2010 the governing body shall pass a separate appropriation ordinance for the operating expenses and liabilities of the Town covering the months of April, May, and June and shall pass the regular annual appropriation ordinance for the regular annual appropriation ordinance for the months of July through June of 2011 and thereafter.

The ordinance shall specify the objects and purposes for which the appropriations are made and the amount appropriated for each object and purpose. No further appropriation may be made at any other time within the fiscal year, except as provided by applicable Wyoming Statute. The total amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year. (Amended Ordinance, 2009; prior Code 2-5-200 (a) 2004, 1978)

(b) The Town Council, prior to adoption of the budget, shall determine the amount of general taxes necessary to provide for the current expenses of the town and determine the amount of any special tax or assessment levies.

(c) After the Town Council has passed an ordinance fixing the amount of taxes necessary as provided by subsection (b) of this section, the town clerk under the supervision of the mayor shall certify the amount of money to be collected to the county clerk.

(d) No contract or expenditure shall be made by the Town Council or any committee or member thereof, or any of the officers of the town, unless an appropriation therefor has been previously made. (Adoption Ordinance, 2004; prior Code 1-315, 1978)

**2-5-210. Meetings to Be Open; Information Required of Attending Public.**

(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 Sections 2-5-220. No action of such 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 name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance except that a person seeking recognition may be required to give his name and affiliation. (Prior Code 1-317, 1978)

**2-5-220. 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 offices of the law, on matters posing a threat to the security of the public or private 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 part 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;

(h) To consider accepting or tendering offers concerning wages, salaries, benefits and terms of employment during all such negotiations. (Prior Code 1-318, 1978)

**2-5-230. Meetings; Disruption.** If any public meeting is willfully disrupted by a person or group of persons so as to render the orderly conduct of the meeting unfeasible, the removal of such person or group from the meeting may be ordered and the meeting continued, or if order cannot be restored by the removal of the person or persons who are willfully interrupting the meeting, 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 1-319, 1978)

## TITLE 2

### ADMINISTRATION OF GOVERNMENT

#### CHAPTER 10

#### ELECTIONS

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**2-10-100. Authority.** This Charter Ordinance is adopted pursuant to the authority vested in cities and towns of the State of Wyoming by Article 13, Section 1, Constitution of the State of Wyoming. (Charter Prior code 1-701, 1998)

**2-10-110. Conduct of Elections.** The Town of Lusk hereby elects to conduct its elections for office or for town ballot propositions in accordance with this Charter Ordinance and not in the same manner as statewide elections. (Charter Adoption Ordinance, 2004; prior code 1-702, 1998)

**2-10-120. Date, Time, and Place of Election.** The general election of the Town shall be held on the Tuesday next following the first Monday in the month of May in even-numbered years. Polls shall be open at 7:00 a.m. and shall close at 7:00 p.m., local time. The place of election shall be as designated by the Town Clerk in the Proclamation. (Charter Adoption Ordinance, 2004; prior code 1-703, 1998)



**2-10-170. Duties of Town Clerk.** The Town Clerk is the chief election officer for Town elections and is responsible for determining if a person seeking nomination is a qualified candidate; preparing the ballots in substantially the same form as the general election nonpartisan ballot; designating polling places; and otherwise conducting the election. (Charter Adoption Ordinance, 2004; prior code 1-709, 1998)

**2-10-180. Election Judges.** The Town Council of the Town of Lusk, on its regular meeting day immediately prior to the election date, shall appoint by resolution two electors of the Town of Lusk to serve as precinct judges to conduct the election in accordance with the election laws of the State of Wyoming, each of whom shall be sworn by oath as prescribed by law. Election judges shall receive the same compensation as election judges for statewide elections. (Charter Adoption Ordinance, 2004; prior code 1-705, 1998)

**2-10-190. Officers.** A mayor and two council persons shall be elected at large at each general municipal election. The term of office of mayor is four years and the term of office of a council person is four years. Any office which is declared vacant shall appear on the ballot at the next general municipal election. If the term of the office declared vacant does not expire at the next general election, the office shall appear on the ballot for the remainder of the unexpired term. (Charter Adoption Ordinance, 2004; prior code 1-704, 1998)

**2-10-200. Ballot Proposition.** A Town ballot proposition to be voted on at an election shall be printed on the Town ballot by the Town Clerk. (Charter Adoption Ordinance, 2004; prior code 1-707, 1998)

**2-10-210. Ballot.** The Town Clerk shall prepare Town ballot in substantially the same form as the statewide general election nonpartisan ballot. (Charter Adoption Ordinance, 2004)

**2-10-220. Canvassing Results.** The returns of the Town election shall be canvassed by the Town canvassing board, which shall certify the results in writing to the Town Clerk. A tie vote shall be broken by lots cast by the Town canvassing board. (Charter Adoption Ordinance, 2004; prior code 1-710, 1998)

**2-10-230. Certification of Election.** As soon as the official result of the Town election is received from the Town canvassing board, the Town Clerk shall issue certificates of election to the persons receiving the highest number of votes for each office to be filled at the election. (Charter Adoption Ordinance, 2004; prior code 1-711, 1998)

**2-10-240. Commencement of Term of Office.** The term of office of a person elected and the Town election commences on the first day of June following the election. (Charter Adoption Ordinance, 2004; prior code 1-712, 1998)

**2-10-250. Oath of Office.** Before entering the duties of elected office, the person elected to a Town office shall sign and file with the Town Clerk the same constitutional oath of office as county officers. (Charter Adoption Ordinance, 2004; prior code 1-713, 1998)

**2-10-260. Cost of Election.** The Town shall bear the expenses of elections held pursuant to this Charter Ordinance. (Charter Adoption Ordinance, 2004; prior code 1-714, 1998)

**2-10-270. Statutes Not Applicable.** That part of the Wyoming Election Code applying to nominations and primary elections shall not apply to the Town of Lusk. (Charter Adoption Ordinance, 2004)

**2-10-280. Balance of Election Code Applicable.** Except for those parts of the Wyoming Statutes which have been modified or excluded by this Charter Ordinance, all matters with respect to elections for Town office or for ballot propositions of the Town of Lusk shall be held in accordance with the provisions of the Wyoming Election Code of 1973 and any amendments, modifications, or revisions thereof. (Charter Adoption Ordinance, 2004; prior code 1-715, 1998)

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## TITLE 2

### ADMINISTRATION OF GOVERNMENT

#### CHAPTER 15

#### APPOINTED OFFICERS AND EMPLOYEES

##### Sections:

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2-15-220	Removal of Appointed Officers
2-15-230	Employee Policy Handbook; Exception; Adoption

**2-15-100. Appointment of Officers.** The Mayor shall, by and with the advice and consent of the Council, as soon after election as possible, appoint the following described officers:

One	Town Clerk
One	Town Treasurer
One	Police Chief
One	Town Attorney
One	Municipal Judge,

and such other officers as may be authorized by ordinance to be appointed hereafter. The above officers shall hold their offices until a successor is appointed or until removal by the Council. (Prior Code 1-501, 1978)

**2-15-110. Town Clerk Keeps Records.** The Town Clerk of the Town of Lusk, Wyoming, shall have the custody of the Town Seal, and of all laws and ordinances of the Town of Lusk and shall keep a correct and regular journal of the proceedings of the Town Council. He shall endorse all ordinances, resolutions and bylaw and shall issue all orders for money, when appropriated by the Town Council, and shall keep a distinct and classified account of such appropriations. He shall keep on file all papers, books, records, contracts and correspondence belonging to the Town, not allow any such papers, books, records, contracts,



or Town Seal to be removed without the written consent of the Mayor of said Town. (Prior Code 1-502, 1978)

**2-15-120. Duties of Town Clerk.** The Town Clerk shall have charge of all correspondence, books and papers belonging to the office; the clerk shall attend all meetings of the Town Council and shall serve all notices of special meetings. (Prior Code 1-503, 1978)

**2-15-130. Duties of Town Treasurer.** The Treasurer of said Town shall, upon the payment of all orders, immediately cancel the same, and preserve the same on file; and at the close of each fiscal year, shall publish a free report of all the receipts and disbursements during the year, including all outstanding dues from the Town. He shall pay no money from the Town Treasury, except upon an order to be drawn from the amount appropriated. At the expiration of his term of office, he shall turn over to his successor in office all money, books, papers and other property belonging to the Town, in his possession. (Prior Code 1-504, 1978)

**2-15-140. Town Attorney; Term.** The Mayor, by and with the consent of the Council, shall appoint a competent and suitable person to the office of Town Attorney. Such appointee shall be licensed and admitted to practice law in the State of Wyoming. He shall hold office from the time of his appointment until his successor is appointed and qualified. (Prior Code 1-510, 1978)

**2-15-150. Duties of Town Attorney.** The Town Attorney shall be the legal advisor of the Council and Town officials; he shall commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the corporation, or that may be ordered by the Council, and shall attend meetings of the Council, and give his opinion upon any matter submitted to him, either orally or in writing, as may be required. (Prior Code 1-511, 1978)

**2-15-160. Duties of Chief of Police.** The Chief of Police of the Town of Lusk shall advertise for applicants to the police department; shall present all qualified applicants to the Mayor and Council for selection and hiring; shall supervise all of the officers in the department; shall, when necessary, reprimand, suspend, and/or fire officers, all in compliance with the Lusk Employee Policy Handbook; shall administer all affairs of the department, including completing or supervising completion of all reports and records; shall report to the Mayor and Council on a regular basis as to the operation and affairs of the department; and shall perform all of the duties of a peace officer as defined by Wyoming Statutes, including enforcement of all State statutes and Lusk ordinances. (Adoption Ordinance, 2004)

**2-15-170. Duties of Municipal Judge; Remuneration; Bond; Jurisdiction.** The office of Municipal Judge is hereby created and said judge shall be appointed by the Mayor with the consent of the Council and shall be a qualified elector and resident of the Town of Lusk. He shall give bond in an amount determined by the Town Council conditioned upon the performance of his duties and that he will turn over to the Town Treasurer all moneys collected by him by virtue of his office as Municipal Judge. Said officer shall have jurisdiction to fine, enter judgment, sentence, imprison, hear and determine all cases arising under the ordinances of the Town of Lusk. (Prior Code 1-512, 1978)

**2-15-180. Town Officials; Remuneration.** The Mayor, Council persons and all appointees shall receive such remuneration as shall be determined by the Council, provided however, that such remuneration shall be consistent with Wyoming Statute § 15-2-103 and any amendments thereto. (Prior Code 1-513, 1978)

**2-15-190. Town Officials; Bonds Required.** The officers of the Town of Lusk shall provide bond, in an amount to be determined from time to time, by the Town Council. Bond shall be to insure the proper performance of duties and to insure that all books, records, moneys and other appurtenances of office shall be promptly turned over upon completion of duties. (Prior Code 1-514, 1978)

**2-15-200. Town Public Works Director.** The Mayor, with the consent of the Council, shall employ a suitable and qualified person to the office of Town Public Works Director. The Town Public Works Director may be employed by virtue of an employment contract which specifies his or her employment terms and conditions or may be hired as any regular employee, subjecting him or her to the provisions of the Town Employee Policy Handbook. (Prior Code 1-515, 1978)

**2-15-210. Duties of Town Public Works Director.** The Town Public Works Director shall have general supervision of all work done on the streets, alleys, parks, water wells, water mains, sewer mains and lagoons, electrical distribution system, airport, landfill, cemetery, recreation facilities, and garbage disposal; and shall perform such other duties as the Mayor and Council may require. (Prior Code 1-516, 1978)

**2-15-220. Removal of Appointed Officers.** Any officer appointed to a position by the Mayor may be removed from office at any time without action of the Town Council for incompetency or neglect of duty. (Prior Code 1-517, 1978)

**2-15-230. Employee Policy Handbook; Exceptions; Adoption.** All appointments pursuant to 2-15-100 and all employees of the Town of Lusk shall be governed by the "Town of Lusk Employee Policy Handbook," issued on June 3, 1997, as amended; excepted from said policy handbook are the Town Attorney, Municipal Judge, and contract employees. Said Policy Handbook is by this reference adopted fully herein. (Adoption Ordinance, 2004; prior Code 1-524, 1-525, 1978)

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## TITLE 2

### ADMINISTRATION OF GOVERNMENT

#### CHAPTER 20

#### POLICE DEPARTMENT

##### **Sections:**

2-20-100	Police Department; Established
2-20-110	Appointment and Term of Office
2-20-120	Duties
2-20-130	Use of Citations; Bond
2-20-140	Badges, Uniforms and Materials

**2-20-100. Police Department; Established.** There is hereby established a Police Department for the municipality of Lusk to be composed of a Chief of Police and such number of subordinate policemen of such rank as the Town Council shall, from time to time, determine. (Prior Code 17-101, 1978)

**2-20-110. Appointment and Term of Office.** The Chief of Police shall be appointed by the Mayor of the Town of Lusk, with the consent of the Town Council of Lusk, and the term of office for said officer shall last until a successor has been appointed. Police officers shall be hired by the Chief of Police with approval of Governing Body and shall be subject to the Town Employee Policy Handbook and such police department policies, rules and regulation as the Department may implement. (Prior Code 17-102, 1978)

**2-20-120. Duties.** It shall be the duty of the Police Department to suppress all affrays, riots, disturbances and breaches of the peace and to diligently and faithfully enforce all State and Municipal laws, ordinances and regulations. Every policeman authorized to make arrests may, in the discharge of his duties, do so in accordance with State law. (Prior Code 17-103, 1978)

**2-20-130. Use of Citations; Bond.**

(a) Citations shall be on a form adhering to the requirements of Rule 3, W.R.Cr.P. Citations shall be brought in the name of "Town of Lusk, Plaintiff" and shall be filed in the Municipal Court of the Town of Lusk when the offense is charged as a violation of Lusk municipal ordinances.

(b) A person who has been stopped, detained or arrested for a violation of a municipal ordinance may then, or after further investigation, be issued a citation to avoid further detention. If the person signs a promise to appear in Court on a date and time certain to answer to the offense charged in the citation, the person shall then be released from custody, and if the issuing officer has marked the citation as "May Forfeit bond in Lieu of Appearance," the officer shall indicate the appropriate amount of bond for this offense on the citation.

(c) The citing officer shall specify on the citation the name and address of the Court in which the citation will be filed and the date and time when the person cited must appear or forfeit bond, as applicable. The time designated must be at least five days after the alleged violation unless the person cited consents to an earlier hearing.

(d) The person cited may satisfy a promise to appear in Court by appearing on the designated date at the designated time or, when the "May Forfeit bond in Lieu of Appearance" box is marked, by paying the amount set out on the citation.

(e) The citing officer shall use his or her own discretion in marking a citation as "must appear" or "May Forfeit bond in Lieu of Appearance." (Adoption Ordinance, 2004)

**2-20-140. Badges, Uniforms and Materials.** Every member of the Police Department shall wear a suitable badge and uniform to be either furnished by the Town of Lusk or purchased by the individual police officers with a clothing allowance provided by the Town of Lusk, and any member who shall lose or destroy the same will be required to pay the cost of replacing said badge or uniform or both. When any member of the Police Department shall leave the Department, he shall thereupon deliver his badge and uniform to the Chief of Police. The Town Council shall furnish the Police Department with office supplies and forms necessary for the proper functioning of said Department. (Prior Code 17-104, 1978)

**TITLE 2**  
**ADMINISTRATION OF GOVERNMENT**  
**CHAPTER 25**  
**ORDINANCES AND PETITIONS**

**Sections:**

2-25-100	Ordinances; Form and Style; Enactment
2-25-110	Voting; Recording
2-25-120	Ordinances; Publication; Exception; Attestation
2-25-130	Veto by Mayor; Passage Over Veto
2-25-140	Ordinance Passed Without Mayor's Signature
2-25-150	When Ordinance Passes
2-25-160	Ordinances; Amendments and Repeal
2-25-170	Preserving and Recording Ordinances
2-25-180	Use of Name "Converse"
2-25-190	Power to License Implied
2-25-200	Petitions, Remonstrances, and Memorials

**2-25-100. Ordinances; Form and Style; Enactment.**

(a) All ordinances shall be in writing and passed pursuant to rules and regulations adopted by the governing body. No ordinance, except one making appropriations or one for the codification or general revision of ordinances, may contain more than one subject which shall be expressed clearly in the title. Ordinances making appropriations and ordinances relating to codification or general revision of ordinances shall be limited to those subjects. The style of all ordinances shall be: "Be it ordained by the governing body of the Town of Lusk...".

(b) Every ordinance relating to the codification or general revision of ordinances which has been passed and adopted prior to the effective date of this section, and is otherwise in conformance with this section, is deemed to meet the requirement that an ordinance shall not contain more than one subject which shall be expressed clearly in the title.

(c) Every ordinance shall be publicly read on three different days. Public reading may be by title only. At least 10 days shall elapse between the introduction and final passage of every ordinance. For an emergency ordinance, the requirements of this section may be suspended by the affirmative vote of three -fourths of the qualified members of the governing body. No franchise may be granted by emergency ordinance.

(d) Passage of an ordinance requires the affirmative vote of the majority of the qualified members of the governing body. Passage of an emergency ordinance requires the affirmative vote of three -fourths of the qualified members of the governing body. (Prior Code 1-601, 1978)

**2-25-110. Voting; Recording.** Each member present shall vote upon every question put by the chair unless excused by the Council. The yeas and nays may be called for by any

member in which case the names of the members with their votes, shall be recorded on the minutes. (Prior Code 1-602, 1978)

**2-25-120. Ordinances; Publication; Exception; Attestation.**

(a) Every ordinance before becoming effective shall be published at least once in a newspaper of general circulation within the Town. The newspaper shall publish the ordinance within nine days from the date of receipt. If there is no such newspaper, the ordinance shall be posted for at least 10 days in the Town Clerk's office and in such other places as the governing body determines. Emergency ordinances are effective upon proclamation of the mayor, and as soon thereafter as is practicable they shall be published and posted in the manner required of other ordinances.

(b) Every ordinance, within a reasonable time after passage, shall be signed by the mayor, attested by the clerk and recorded in a book kept for that purpose. The attestation of the clerk shall show that the ordinance was duly published and posted.

(c) A recodification or revision of ordinances shall be published by title only together with a brief summary of the recodification or revision, in the manner provided in subsection (a) of this section for newspaper publication, provided that a copy of the recodification or revision shall be available to the public at all reasonable hours in the office of the Town Clerk. (Adoption Ordinance, 2004; prior Code 1-603, 1-604, 1-608, 1978)

**2-25-130. Veto by Mayor; Passage Over Veto.** Should the Mayor not approve the ordinance he shall return the same to the Council with his objections to the same in writing on or before the date of the next regular meeting after the same was presented to him. When an ordinance is so returned by the Mayor, the Council shall proceed to reconsider the same. If, on such reconsideration, two-thirds of all the members elected to the Council vote in the affirmative, the ordinance shall become a law notwithstanding the Mayor's veto. (Prior Code 1-605, 1978)

**2-25-140. Ordinance Passed Without Mayor's Signature.** Should the Mayor refuse or neglect to sign any such ordinance and return the same with his objections in writing, on or before the date of the next regular meeting after the same was submitted to him, it shall become a law without his signature. When any ordinance has become a law without the signature of the Mayor, as provided herein, the Town Clerk shall annex to such ordinance a certificate to the effect that the Mayor has failed to sign or veto the same, and it has therefore become a law without his signature. (Prior Code 1-606, 1978)

**2-25-150. When Ordinance Passes.** An ordinance shall be considered passed on the date of its approval by the Mayor, and in case of his vetoing an ordinance, on the date of the passage of such ordinance over his veto, and in the case of the failure of the Mayor to sign or veto an ordinance, on the date of the next regular meeting after such ordinance was presented to him. (Prior Code 1-607, 1978)

**2-25-160. Ordinances; Amendment and Repeal.** Amendments and repeals of ordinances, or sections thereof, shall be by ordinance. An amending ordinance shall set forth the entire ordinance or section as amended. No vote of the governing body may be

reconsidered or rescinded at any meeting unless there are as many members present as there were when the vote was originally taken. (Adoption Ordinance, 2004)

**2-25-170. Preserving and Recording Ordinances.** It shall be the duty of the Town Clerk to safely preserve the original ordinances and when passed and approved to record the same in a book provided for that purpose. The Town Clerk shall attach a certificate to each ordinance, so recorded, to the effect that the same is a true and correct copy of the original ordinance as passed. (Prior Code 1-609, 1978)

**2-25-180. Use of Name "Converse."** That whenever the name "Converse" meaning Converse County appears or occurs in any ordinance the ordinance approved, passed and published as an ordinance of the Town of Lusk, the same shall be construed to mean and to read "Niobrara County," State of Wyoming. (Prior Code 1-610, 1978)

**2-25-190. Power to License Implied.** When in an ordinance anything is prohibited from being done without the license of a certain officer or officers, such officer or officers shall have the power to license such thing to be done. (Prior Code 1-611, 1978)

**2-25-200. Petitions, Remonstrances, and Memorials.** All petitions, remonstrances to the Council and memorials shall be in writing, and shall be addressed to "The Honorable Mayor and Town Council of the Town of Lusk, State of Wyoming." (Prior Code 1-612, 1978)

## TITLE 2

### ADMINISTRATION OF GOVERNMENT

#### CHAPTER 30

#### CORPORATE SEAL

##### Sections:

- |          |                                     |
|----------|-------------------------------------|
| 2-30-100 | Corporate Seal Designed and Adopted |
| 2-30-110 | Validating Act                      |

**2-30-100. Corporate Seal Designed and Adopted.** A seal, the impression of which shall be in circular form, bearing the words: "Town of Lusk, Niobrara County, Wyoming" on the outer edge and the words "Corporate Seal" in the center, shall be, and the same is hereby adopted and declared to be the official seal of the Town of Lusk, Wyoming. (Prior Code 1-401, 1978)

**2-30-110. Validating Act.** That all documents heretofore executed by the said Town of Lusk requiring the Seal of said Town and bearing a seal substantially in the form above prescribed, be, and they are hereby validated and ratified and approved by the said Town of Lusk with the same force as if such Seal had then been the official Seal of said Town of Lusk. (Prior Code 1-402, 1978)



## TITLE 2

### ADMINISTRATION OF GOVERNMENT

#### CHAPTER 35

#### GENERAL PENALTY AND ACTIONS

##### Sections:

2-35-100	General Penalty
2-35-110	Actions for Penalties or Fines
2-35-120	Disposition of Recoveries
2-35-130	Forfeitable Bond Schedule

**2-35-100. General Penalty.** All misdemeanor offenses committed in the Town of Lusk, Wyoming, shall be punishable by a fine not to exceed \$750.00, to which may be added Court costs as set by the Municipal Court, but not to exceed \$10.00 (Ord. 1-901, 1994; Prior Code 1-901, 1978)

**2-35-110. Actions for Penalties or Fines.** All actions brought to recover any penalty or fine shall be brought in the corporate name of the Town of Lusk. (Prior Code 1-903, 1978)

**2-35-120. Disposition of Recoveries.** The recoveries, when collected, shall be paid into the treasury of the municipality. (Prior Code 1-904, 1978)

**2-35-130. Forfeitable Bond Schedule.** The Municipal Judge of the Town of Lusk shall, from time to time, issue a forfeitable bond schedule, which schedule shall set forth the bond amount which may be forfeited in lieu of appearance in court for each offense which may be cited under the Municipal ordinances. The forfeitable bond schedule shall conform to the Wyoming Supreme Court's forfeitable bail and bond schedule wherever possible, taking into account differences in court costs. The applicable forfeitable bond amounts shall be set forth on all Town citations issued on which the "May Forfeit Bond in Lieu of Appearance" box is marked by the citing officer. (Adoption Ordinance, 2004)

**TITLE 2**  
**ADMINISTRATION OF GOVERNMENT**  
**CHAPTER 40**  
**FRANCHISE AGREEMENT**

**Sections:**

2-40-100      Visionary Communications, Inc.

**2-40-100. Visionary Communications, Inc. Franchise Agreement.**

Section 1)      **Grant of Franchise.** The Town hereby grants to Visionary the **NON-EXCLUSIVE**

**Right, privilege, and authority** to construct, maintain, and operate its System for the purpose of providing telecommunications services to the Town's inhabitants, hereinafter "the Franchise" or "Franchise." After submitting its design plans and specifications to the Town and after notifying the Town and receiving express authority to proceed, on a case by case basis, from the relevant Department Heads of the Town of Lusk, Visionary may install, upgrade, adjust, protect, support, raise, lower, disconnect, remove and relocate its cables, wires, conduits, conductors, pipes, and related appurtenances ("Facilities") for its System in, under, along, over and across the present and future streets, roadways, avenues, courts, lanes, alleys, sidewalks, rights of way and similar public areas of the Town ("Rights-of-Way"). The Franchise area is defined as the area within the legal boundaries of the Town.

Section 2)      **Acceptance by Visionary.** Within sixty (60) days after the passage of this Ordinance by the Town, Visionary shall file a signed copy thereof with the Town clerk agreeing to all terms and conditions of this Ordinance, otherwise the Ordinance and the rights granted herein shall be null and void.

Section 3)      **Term.** The term of this Franchise commences upon the passage of this Ordinance and continues in full force and effect for ten (10) years ("Initial Term"). At least thirty (30) days prior to the expiration of the Initial Term, Visionary shall notify the Town of its intent to terminate the Franchise, or it may elect to extend this Franchise for one (1) additional ten (10) year period ("Renewal Term"). The Initial Term and Renewal Term may be collectively referred to as "Term." The Town will not unreasonably refuse to extend the Franchise for additional ten (10) year period if Visionary is in compliance with the terms of this Ordinance and applicable law, and the compensation terms are acceptable to both parties.

Section 4)      **Franchise Fee.** From and after the date of Visionary's acceptance of this Ordinance and until its expiration, Visionary will pay to the Town four percent (4%) of Visionary's Gross Revenue (as defined in Appendix A hereto). Said payments shall be for use of the Town's utility poles and egress and ingress on, in over and across the Town's public right of ways. The Payment shall be made quarterly within sixty (60) days after the last day of the quarter for which the payment applies during the Term of this Franchise.

Section 5)      **Franchise Fee Disputes.** Either party may challenge any written notification of error as provided for in this Franchise by filing a written notice to the other party within thirty (30) days of receipt of written notification of error. The written notice shall contain a summary of the facts and reasons for the party's notice. The parties shall make good faith efforts to resolve and such notice.

Section 6) **Records Inspection.** Visionary shall make available to the Town, upon reasonable advance written notice of no less than sixty (60) days, such information pertinent only to enforcing the terms of this Ordinance in such form and at such times as Visionary can reasonable make available. Subject to applicable laws, any information that is provided to the Town and/or that the Town reviews *in camera* is confidential and proprietary and shall not be disclosed or used or any purpose other than verifying compliance with the terms of this Ordinance. Any such information provided to the Town shall be immediately returned to Visionary following review. The Town will not make copies of such information.

Section 7) **NON-EXCLUSIVE FRANCHISE.** The right to use and occupy the Rights-of-Way of the Town shall be non-exclusive, and the Town reserves the right to use the Rights-of-Way for itself or any other entity. The Town's, however, shall not unreasonably interfere with Visionary's Facilities or the rights granted Visionary herein.

Section 8) **Town Regulatory Authority.** The Town reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties consistent with applicable Federal and State law.

Section 9) **Indemnification.** The Town shall not be liable for any property damage or loss or injury to or death of any person that occurs in the construction, operation or maintenance by Visionary of its Facilities. Visionary shall indemnify, defend and hold the Town harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Visionary's use of Rights-of Way. The Town shall: (1) give prompt written notice to Visionary of any claim, demand, or lien with respect to which the Town seeks indemnification hereunder; and (b) permit Visionary to assume the defense of such claim, demand, or lien. Visionary shall not be subject to liability for any settlement made without its consent. Notwithstanding the other provisions contained herein, Visionary shall in no event be required to indemnify the Town for any claims, demands, or liens arising from the negligence of wrongful actions or inactions of the Town, its officials, boards, commissions, agents, contractors, and/or employees.

Section 10) **Insurance Requirements.** Visionary will maintain in full force and effect for the Term of the Franchise, at Visionary's expense, a comprehensive liability insurance policy written by a company authorized to do business in the state of Wyoming, or will provide self-insurance reasonably satisfactory to the Town, protecting it against liability for loss, personal injury, and property damage occasioned by the operation of the Facilities by Visionary. Such insurance will be in an amount not less than \$1,000,000. Visionary will also maintain Workers' Compensation coverage throughout the Term of this Franchise as required by state law. Visionary shall issue a certificate of insurance to the Town annually upon its renewal.

Section 11) **Annexation.** When any territory is approved for annexation to the Town, the Town shall within ten (10) business days provide by certified mail to Visionary: (a) each site address to be annexed as recorded on Town assessment; (b) a legal description of the proposed boundary change; and (c) a copy of the Town's ordinance approving the proposed annexation.

Section 12) **Plan, Design, Construction and Installation of Visionary's Facilities.**

12.1 All Facilities under authority of this Ordinance shall be used constructed and maintained in accordance with applicable law.

12.2 Maps. Visionary shall upon request from the Town provide as-built maps and/or drawings to the Town, in a form reasonably prescribed by the Town, including electronic formats that can be imported into the Town's Geographical Information System ("GIS"). Visionary shall also provide as-built maps and/or drawings to Town staff, when specifically requested, that are accurate to within three (3) feet. Initial Facilities plans shall be filed within thirty (30) days of the effective date of this Ordinance and shall be updated yearly or upon completion of any significant additions to Visionary's Facilities in the Town. Information, if confidential, shall be marked as such and maintained as confidential as permitted under applicable law.

12.3 Visionary shall, prior to commencing new construction or major reconstruction work in Rights-of-Way or other public places, apply for a permit from the Town, which permit shall not be unreasonably withheld, conditioned or delayed, and for which no permit fees shall be imposed. Visionary will abide by all applicable ordinances and reasonable rules, regulations, and requirements of the Town consistent with applicable law, and the Town may inspect the manner of such work and requirements of the Town consistent with applicable law, and the Town may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, Visionary shall not be obligated to obtain a permit to perform emergency repairs to its Facilities but shall be required to contact the Town prior to or immediately following making any such repairs.

12.4 To the extent practical and consistent with any permit issued by the Town, all Facilities shall be located and agreed upon to cause minimum interference with the Rights-of-Way or public property at Visionary's sole cost and expense to a condition reasonable comparable to the condition that existed immediately prior to such damage or alteration.

12.5 If, during work on its Facilities, Visionary causes damage to or alters the Rights-of-Way or other public property, Visionary shall replace and restore such Rights-of-Way or public property at Visionary's sole cost and expense to a condition reasonable comparable to the condition that existed immediately prior to such damage or alteration.

12.6 Visionary acknowledges that the Town is in the process of complete water, sewer, curb and gutter and street renovations within the entire Town limits occurring in phases over the next six or seven years. Visionary also acknowledges that it has been advised that as part and parcel of said renovation project underground conduit it being installed in certain strategic locations specifically for the placement of fiber for internet and communication purposes. Visionary expressly agrees that in all areas where conduit has been placed by the Town Visionary shall transfer its fiber into said conduit within one (1) year of completion of each phase of the project, provided that the conduit is able to be utilized for communications for a lesser capital expenditure than Visionary placing their own conduit. If Visionary can provide an underground path along the same route for a lesser capital expenditure, it shall do so, so as to provide the Town a similar end result. No other installation of underground facilities shall be undertaken by Visionary without first obtaining a permit and installing same in strict compliance with the instruction of the Public Works Director and relevant Department Heads of the Town of Lusk.

12.7 Nothing in this Ordinance shall be construed to prevent the Town from constructing, maintaining, repairing, or relocating its sewer, streets, water mains, sidewalks, or other public property.

12.8 In areas where all other utility lines are placed underground, Visionary shall construct and install its Facilities underground. In areas where one or more public utilities are aerial, Visionary shall contact the Town to determine if the Company will be allowed to install its Facilities aerially, or above ground. The Town reserves the right to have all new utilities installed underground even if one or more public utilities are aerial in the area.

12.9 This Ordinance allows Visionary to attach to, or otherwise use or commit to use, any pole owned by the Town.

Section 13) **Relocation of Facilities.**

13.1 **Relocation for the Town.** Visionary shall, upon receipt of advance written notice of not less than sixty (60) days, protect, support, adjust, raise, lower, temporarily disconnect, relocate, or remove any Visionary property located in Rights-of-Way when required by the Town consistent with its police powers. Visionary shall be responsible for any costs associated with these obligations to the extent required under applicable federal, state law or Town ordinance. In the event new poles are installed by the Town, Visionary shall transfer its fiber, carrier cable and equipment from the old pole to the new pole within 60 days of being given notice. If said transfer is not made within the said time period, the old pole shall become the property of Visionary and Visionary shall be responsible for all repairs and expenses to the same.

13.2 **Relocation for a Third Party.** Visionary shall, at the request of any person holding a lawful permit issued by the Town, protect, support, adjust, raise, lower, temporarily disconnect, relocate or remove any Visionary property located in the Rights-of-Way, provided that the cost of such action is borne by the third party requesting it, and Visionary is given advance written notice of not less than one hundred and twenty (120) days.

13.3 **Alternatives to Relocation.** Visionary may, after receipt of written notice requesting a relocation of Facilities, submit to the Town written alternatives to such relocation. Such alternatives shall include the use and operation of temporary transmitting facilities in adjacent Rights-of-Way. The Town shall promptly evaluate such alternatives and advise Visionary in writing if one or more of the alternatives are suitable. If requested by the Town, Visionary shall promptly submit additional information to assist the Town in such evaluation. The Town shall give each alternative proposed by Visionary full and fair consideration. In the event the Town determines there is no reasonable alternative, Visionary shall relocate the components of the System as otherwise provided herein. Notwithstanding the foregoing, Visionary shall in all cases have the right to abandon the Facilities.

Section 14) **Vegetation Management.** Visionary shall have the authority, but not the obligation, to trim trees and other natural growth in the Rights-of-Way in order to access and maintain its Facilities in compliance with applicable law and industry standards. This right shall in no way impose a duty on Visionary; instead, this right gives permission to Visionary should Visionary elect to conduct such activities from time-to-time in order to access and maintain its Facilities.

Section 15) **Renewal.** At least one hundred twenty (120) days prior to the expiration of this Ordinance, Visionary and the Town shall either agree to extend the Term or use best faith efforts to renegotiate a replacement Franchise agreement. In the event Visionary terminates this agreement or does not renew same all materials owned by Visionary shall become the property of the Town. In the event the Town terminates this agreement or does not renew same all of Visionary's materials must be removed by Visionary.

Section 16) **Revocation of Franchise for Non-Compliance.**

16.1 In the event the Town believes that Visionary has not complied with the terms of this Ordinance, the Town shall informally discuss the matter with Visionary. If these discussions do not lead to resolution of the problem, the Town shall notify Visionary in writing of the exact nature of the alleged non-compliance.

16.2 Visionary shall have thirty (30) days from receipt of the written notice described in subsection 16.1 to either respond to the Town, contesting the assertion of non-compliance, or

otherwise initiate reasonable steps to remedy the asserted non-compliance issue, notifying the Town of the steps being taken and the projected date that the steps will be completed.

16.3 In the event that Visionary does not comply with subsection 16.2, above, the Town shall schedule a public hearing to address the asserted non-compliant issue. The Town shall provide Visionary at least ten (10) days prior written notice of and the opportunity to be heard at the hearing.

16.4 Subject to applicable federal and state law, in the event the Town, after the hearing set forth in subsection 16.3, determines that Visionary is non-compliant with this Ordinance, the Town may:

A) Seek specific performance of any provision which reasonably lends itself to such remedy, as an alternative to damages; or

B) Commence an action at law for monetary damages or equitable relief; or

C) In the case of substantial non-compliance with a material provision of the Ordinance, seek to revoke the Franchise in accordance with subsection 16.5, below.

16.5 Should the Town seek to revoke the Franchise after following the procedures set forth above the Town shall give written notice to Visionary. Visionary shall have ninety (90) days from the receipt of such notice to object in writing and state its reason(s) for such objection. Thereafter, the Town may seek revocation of the Franchise at a public hearing. The Town shall cause to be served upon Visionary, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the Franchise. At the designated hearing, the Town shall give Visionary an opportunity to state its position on the matter, after which the Town shall determine whether or not the Franchise shall be revoked. Visionary may appeal the Town's determination to an appropriate court, which shall have the power to review the decision of the Town *de novo*. Such appeal must be taken within sixty (60) days of the issuance of the Town's determination. The Town may, at its sole discretion, take any lawful action which it deems appropriate to enforce its rights under this Ordinance in lieu of revocation.

16.6 Notwithstanding the foregoing provisions in this Section 16, Visionary does not waive any of its rights under applicable law.

Section 17) **No Waiver of Rights.** Neither the Town or Visionary shall be excused from complying with any of the terms and conditions contained herein by any failure of the other, or any of its officers, employees or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions and such failure does not cure any prior instances of non-compliance nor preclude any legal remedies pertaining thereto. Each party expressly reserves any and all rights, remedies, and arguments it may have at law or equity, without limitation, and to argue, assert, and/or take any position as to the legality or appropriateness of any provision in this Ordinance that is inconsistent with federal or state law, as may be amended.

Section 18) **Transfer of Franchise.** Visionary's right, title or interest in the Franchise shall not be sold, transferred or assigned, or otherwise encumbered without permission from the Town, except when said sale, transfer, assignment, or encumbrance is to an entity controlling, controlled by, or under common control with Visionary, or for transfers in trust, by mortgage, by other hypothecation, or by assignment of any rights, title or interest of Visionary in the Franchise or Facilities to secure indebtedness. **At no time shall Visionary be allowed to sub-let space in the Town's conduit or on the Town's poles to any third party not controlled or controlling Visionary.**

Section 19) **Amendment.** At any time during the Term of the Franchise, the Town, through its governing body, or Visionary, may propose an amendment or addendum to this Franchise by giving thirty (30) days written notice to the other of the proposed amendment or addendum

desired, and both parties thereafter, through their designated representatives, will within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment. No amendment may be adopted without mutual written agreement of the Parties.

Section 20) **Force Majeure.** Visionary shall not be held in default under, or in non-compliance with, the provisions of this Ordinance, nor suffer any enforcement or penalty relating to non-compliance or default (including revocation of the Franchise), where such non-compliance or alleged faults occurred or were caused by riot, war, earthquake, flood, unusually severe rain or snow storm, tornado or other catastrophic act of nature or judicial order or regulation or giver cut or other damage or event that is reasonably beyond Visionary's ability to anticipate of control. This provision also covers work delays caused by waiting for utility providers to service or monitor its utility poles on which Visionary's Facilities and/or equipment is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary and delays caused by limited access to easements, poles or streets.

Section 21) **Provisions of Term.** If, after the effective date of this Ordinance, should there be any enactment or promulgation of any federal or state law, regulation or order, or a decision of a court of competent jurisdiction that significantly changes Visionary's or the Town's rights or obligations under this Ordinance, or that pertains to any of the terms or provisions herein, including, but not limited to, the imposition, payment, collection or treatment of the franchise fees payable hereunder, then Visionary and the Town, by providing written notice to the other party, each shall have the right to request that affected portions of this Ordinance be amended or that there be an addendum hereto. The parties shall commence good-faith negotiations with sixty (60) days of such notice and endeavor to conclude such negotiations within ninety (90) days. Any amendment or addendum agreed to by the parties shall become effective upon the passage and acceptance of such amendment or addendum. If an amendment or addendum cannot be agreed upon pursuant to the terms of this section, either the Town or Visionary may file an action with any court or agency with competent jurisdiction to conform the Franchise to the new law, regulation or order.

Section 22) **Notices.** Any notice required or permitted to be given hereunder shall be deemed sufficient if given by a communication in writing and shall be deemed to have been received (a) upon personal delivery or actual receipt thereof or (b) within two (2) business days after such notice is deposited with the United States Postal Service, postage prepaid, certified and addressed to the parties as set forth below:

The Town of Lusk  
Town Clerk  
P.O. Box 390  
Lusk, WY 82225

Visionary Communications, Inc. Fiber Administrator  
P.O. Box 2799  
Gillette WY 82717-2799

Section 23) **Retention of Governmental Immunity.** By entering into this Franchise, the Town of Lusk does not waive its Governmental Immunity, as provided by any applicable law including W.S. Section 1-39-101 et seq. Further, the Town fully retains all immunities and defenses provided by law with regard to any action, whether in tort, contract or any other theory of law based on this contract. This contract is entered into by the parties for their sole benefit and is not intended to be for the benefit of any other third party or entity.

Section 24) **Severability**. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority, including any federal or state regulatory authority having jurisdiction thereof, or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the Term of the Franchise or any renewal or renewals thereof.

Section 25) All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 26) This ordinance shall take effect from its adoption and publication as required by law and the ordinances of the Town of Lusk.

Section 27) Execution of this document by Visionary Communications Inc. shall constitute a binding agreement on the part of Visionary Communications to abide by the terms and conditions set forth herein.

#### APPENDIX A CALCULATION OF FRANCHISE FEE

The following telecommunications products would be subject to the Franchise fee: Business Local Access, Flat Rate

Residential Local Access, Flat Rate Local Access Trunks

Session Initiated Protocol Trunking Hosted Voice Services

The following is a non-exclusive listing of revenue categories not representing the retail sale of local access services and therefore excluded from the definition of Gross Revenues and, therefore, are not included in the calculation of Franchise fees:

- Bad debt write-offs and customer credits;
- Installation, upgrade, disconnection or late fees, including non-sufficient funds charges;
- Fees for the leasing or sale of equipment;
- Any amounts collected for taxes, fees, or surcharges and paid to the federal, state or local governments;
- Any amounts collected from customers that are to be remitted to a federal or state agency as part of a Universal Service Fund or other government program;
- Any franchise fees that are not chargeable per federal or state law;
- Revenues from Internet access;
- Revenues from any carrier purchased for resale; and
- Revenues from private-line services not for local access service.

(Passed, Approved as Amended December 7, 2021)



## **TITLE 3**

### **MUNICIPAL CEMETERY**

#### **Chapters:**

3-5 Lusk Municipal Cemetery

## **CHAPTER 5**

### **LUSK MUNICIPAL CEMETERY**

#### **Sections:**

3-5-100	Management, Maintenance and Operation
3-5-110	Purchase, Conveyance and Assignment of Cemetery Lots
3-5-120	Abandonment of Grave or Lot Ownership
3-5-130	Fees
3-5-140	Time of Interment
3-5-150	Monuments, Markers, Memorials and Foundations
3-5-160	Directory, Map and Registry
3-5-170	Prohibited Acts
3-5-180	Exhumations
3-5-190	Liability
3-5-200	Maximum Size of Containers Holding Cremated Remains

#### **3-5-100. Management, Maintenance and Operation.**

(a) The governing body of the Town of Lusk shall employ a suitable and competent person as Cemetery Overseer who shall be in charge of management, maintenance and operation of the Lusk Municipal Cemetery.

(b) Town of Lusk personnel only, under the direction of the Cemetery Overseer, shall perform perpetual care, including seeding, sodding, watering, mowing and maintenance of graves as deemed necessary, and shall do all required grading and landscaping of the cemetery premises, including planting, trimming, cutting and removal of shrubs, bushes, hedges and trees. Town personnel shall perform all openings and closing of graves and all interment and disinterment of remains.

(c) No improvements or alterations to lots or spaces by individuals other than Town personnel shall be made. (Adoption Ordinance, 2004)

#### **3-5-110. Purchase, Conveyance and Assignment of Cemetery Lots.**

(a) The Town Office shall keep and make available to the public a current plat map of the Lusk Municipal Cemetery which shall show available lots for burial. The Town Office

shall also make available a price schedule for lot purchases or assignments, open and closing fees, and monument placement fees.

(b) Payment for lots shall be required before a document of conveyance shall be issued. Conveyance from the Town to purchasers and assignments of ownership between individuals shall only be on forms provided by the Town Office.

(c) The governing body of the Town of Lusk may, by resolution, from time to time limit the number of lots which may be owned by any one person. (Adoption Ordinance, 2004)

**3-5-120. Abandonment of Grave or Lot Ownership.** The governing body of the Town of Lusk may declare abandoned any cemetery graves or lots which are vacant (unoccupied) and where there is no evidence of contact with or knowledge of the owners, heirs, or assigns, as the case may be, for more than 25 years since purchase. Before abandonment can be declared, written notice of intent to declare abandonment shall be given by certified or registered mail to the last known address of such owners, heirs or assigns, if any. If none can be ascertained, then notice shall be given by one publication in a newspaper of general circulation in Niobrara County. Notice shall allow owners, heirs or assigns to advise of his, her or their identity, claim of ownership and address, in which event the Town shall not declare abandonment. If, upon expiration of 30 days after notice is given, i.e. date of mailing or publication, the owners, heirs or assigns have not contacted the Town, abandonment may be declared by resolution. Thereafter the Town may resell such graves or lots, but shall place in trust the amount of proceeds of sale equivalent to the original selling price of the same, to be held for 25 years in the event the owners, heirs or assigns should claim the same. The Town shall be entitled to any interest on the principal if unclaimed within 25 years of being deposited. (Adoption Ordinance, 2004)

**3-5-130. Fees.** Fees for single graves, lots (containing 4 graves), grave openings and closings, cremains space openings and closings, placement of monuments, foundations and such other cemetery fees as may be deemed necessary by the governing body of the Town of Lusk, Wyoming shall be set from time to time by resolution of the governing body. (Adoption Ordinance, 2004; Amended March 2024)

**3-5-140. Time of Interment.** Interment of remains or cremains shall take place only on Monday through Saturday from 9:00 a.m. to 4:00 p.m. No interments shall take place on Sunday or legal holidays unless an emergency has been determined to exist by the funeral director in charge of the remains. (Adoption Ordinance, 2004)

**3-5-150. Monuments, Markers, Memorials and Foundations.**

(a) Monuments and markers shall only be installed in the Lusk Municipal Cemetery by reputable monument companies, and then only after a permit has been secured from the Town Office and a locate has been confirmed by the Cemetery Overseer or designated Town personnel.

(b) Foundations shall be installed only by qualified contractors, and only from April 15 to December 1 of each year (i.e. when there is no frost in the ground), and only after a permit has been secured from the Town Office and a locate has been confirmed by the Cemetery Overseer or designated Town personnel.

(c) No permits for installation of monuments, markers or foundations shall be issued until the space upon which the same is to be installed has been fully paid and a document of conveyance issued to the owner.

(d) Only one central or family memorial or monument shall be allowed on a lot (i.e. a lot consisting of four individual grave spaces), and the same shall be placed at the head of the lot. Only one tombstone or monument shall be placed at the head of each grave space, with the foundation of said tombstone or monument not exceeding the width of 48 inches. Only one foot stone per single grave space shall be allowed. Military markers are allowed in addition to individual monuments.

(e) Marble markers or memorials shall not be allowed in the Lusk Municipal Cemetery. (Adoption Ordinance, 2004)

### **3-5-160. Directory, Map and Registry.**

(a) The Town Office shall keep and make available to the public a current alphabetical registry of the names of all persons buried in the Lusk Municipal Cemetery, describing the location of the grave, the date of burial, and the name of the owner of the lot. The Town Office shall also keep and maintain a current map of the Lusk Municipal Cemetery which contains the same information as the registry, and which will assist the public in locating specific grave sites.

(b) The Town of Lusk may also allow placement of a directory board at the entrance to the cemetery grounds to assist the public in locating specific grave sites. (Adoption Ordinance, 2004)

### **3-5-170. Prohibited Acts.**

(a) No person shall install, place or erect a monument, marker or foundation without a permit as provided herein.

(b) No person shall plant, construct, erect, install, or create any coping, hedging, grave mounds, borders, enclosures or walkways of any kind on any lots or spaces or anywhere on the Lusk Municipal Cemetery premises.

(c) No person shall use, place, erect or leave tiles, bricks, gravel, crushed rock, oyster shells, cinders, or any other materials except as may be specifically permitted or allowed by this Title on any spaces, lots, or anywhere on the premises of the Lusk Municipal Cemetery. All such materials may be removed by Town personnel without liability to the owner.

(d) No person shall place glass containers, barbed wire, aluminum foil or large rocks on the cemetery premises at any time, and no cut flowers, potted plants, wreaths, blankets or other such material shall be left on graves for longer than 15 days; provided, however, artificial plants or flowers may remain indefinitely if attached to a monument or memorial. All materials prohibited after 15 days shall be removed by Town personnel with liability to the

owner. Artificial flowers and plants may be removed by the Cemetery Overseer at his or her discretion.

(e) No person shall drive any vehicle upon any place within the cemetery except on the graveled streets.

(f) No person shall injure, deface, break, disturb or destroy any monument, marker, memorial, tomb or grave, nor shall any person break, injury or destroy any gate, fence, grassed plot, shrub, tree or ornament of any kind within the Lusk Municipal Cemetery.

(g) No person shall disturb the sod on any lot or grave, nor plant any tree, shrub or bush on cemetery premises.

(h) Any person convicted of committing an act or acts prohibited by this Section shall be guilty of a misdemeanor, punishable as provided in § 2-35-100 of the Lusk Municipal Code. (Adoption Ordinance, 2004)

### **3-5-180. Exhumations.**

(a) Exhumations shall be performed by Town of Lusk personnel only and shall be at the expense of the person requesting the same, which shall be calculated at the current rate for machinery, operators and laborers required for exhumation.

(b) Burial vaults are not required; however, exhumations will not be performed for people buried after the effective date of this Title unless there is a burial vault, except where exhumation is ordered by a court of competent jurisdiction. (Adoption Ordinance, 2004)

**3-5-190. Liability.** The Town of Lusk shall not be liable for lost, misplaced or broken flower vases, nor shall it be liable in any way for damages to monuments or tombstones by elements, thieves or vandals. (Adoption Ordinance, 2004)

### **3-5-200. Maximum Size of Containers Holding Cremated Remains and Maximum Cremated Remains Allowed Per Grave.**

(a) Containers such as urns, boxes, caskets or others which contain the cremated remains of deceased persons to be interred in Lusk Municipal Cemetery shall not exceed eighteen inches by eighteen inches by eighteen inches (18" x 18" x 18") in size. (Adoption Ordinance, 2013) (Adoption Ordinance, 2013)

(b) The maximum number of cremated remains allowed per grave shall be four (4). (Amended Ordinance (b) 2015; Prior Ordinance 2013)

## TITLE 4

### REVENUE AND ASSESSMENTS

#### CHAPTER 5

#### LODGING TAX BOARD

##### Sections:

4-5-100	Lodging Tax Board
4-5-110	Board Member Terms
4-5-120	Board By-Laws
4-5-130	Budget, Audit, Reports
4-5-140	Signatories and Bonding
4-5-150	Director

**4-5-100. Lodging Tax Board.** The governing body of the Town of Lusk, Wyoming hereby formally establishes a Lodging Tax Board to receive and disburse lodging tax revenues from the Town of Lusk. The board shall consist of five (5) members all whom are appointed by the Mayor and Council. The majority of the members must be from the travel and tourism industry. W.S. 39-15-211(a)(ii)(B)(I).

**4-5-110. Board Member Terms.** A board member's term shall be for four (4) years. The board members' terms shall be staggered to promote continuity in the operation of the board. Upon initial appointment two of the members shall be appointed to four (4) year terms and three of the members shall be appointed to two (2) year terms. Upon expiration of a member's term a new member shall be appointed by the Mayor and Council for a four (4) year term. In the event of a resignation during a term, a new member shall be appointed by the Mayor and Council to finish out the resigning member's unexpired term.

**4-5-120. Board By-Laws.** Upon appointment of a full board the first order of business for the board shall be to adopt formal By-Laws which set out the operation and administration of the board. A draft of the By-Laws shall be submitted to the governing body of the Town of Lusk for approval before the same shall become effective. After becoming effective any changes in the By-Laws must be approved by the governing body of the Town of Lusk before becoming effective.

**4-5-130. Budget, Audit, Reports.** The Lodging Tax Board shall prepare and adhere as closely as possible to a budget. The proposed budget shall be submitted to the Town Office in the first week of May of each year. All disbursements shall be in accordance with W.S. 39-15-211(a)(ii)(B)(I). The board shall submit quarterly reports to the Lusk town office evidencing all

expenditures to be in compliance with Wyoming Statute. The Lodging Tax Board shall obtain an annual audit of all its accounts and submit a copy of it to the Town office.

**4-5-140. Signatories and Bonding.** All checks issued by the board shall require two signatures and all persons authorized to draw on the board's account shall be bonded.

**4-5-150. Director.** If the board hires a salaried director the director must be approved by the governing body of the Town of Lusk.

## **TITLE 5**

### **PUBLIC HEALTH AND SAFETY**

#### **Chapters:**

- 5-5 Fire Prevention and Protection
- 5-10 Volunteer Fire Department
- 5-15 Civil Defense
- 5-20 Nuisances
- 5-25 Weeds

## **CHAPTER 5**

### **FIRE PREVENTION AND PROTECTION**

#### **Sections:**

- 5-5-100 Definitions
- 5-5-110 Uniform Fire Code Adopted

#### **5-5-100. Definitions.**

(a) Wherever the word “jurisdiction” is used in the Uniform Fire Code, it shall be held to mean the Town of Lusk.

(b) Wherever the term “Corporation Counsel” is used in the Uniform Fire Code, it shall be held to mean the Attorney for the Town of Lusk. (Prior Code 8-101, 1978)

#### **5-5-110. Uniform Fire Code Adopted.**

(a) Except as hereafter added to, deleted, modified, or amended there is hereby adopted as the fire code of the Town of Lusk, Wyoming, that certain fire code known as the Uniform Fire Code, 1997 Edition, with appendices, as prepared and edited by the International Fire Code Institute, and the provisions of said fire code shall be controlling in all matters covered by said fire code within the corporate limits of the Town of Lusk, and shall be known as the Lusk Fire Code.

(b) A copy of the Uniform Fire Code will be kept in the office of the Town Clerk. (Prior Code 8-102, 1978)

**TITLE 5**  
**PUBLIC HEALTH AND SAFETY**  
**CHAPTER 10**  
**VOLUNTEER FIRE DEPARTMENT**

**Sections:**

5-10-100	Establishment; Composition
5-10-110	Fire Chief
5-10-120	Fire Chief Supervision
5-10-130	Fire Inspector
5-10-140	Fire Chief Powers
5-10-150	Fire Chief Duties
5-10-160	Investigation of Fires
5-10-170	Equipment Inventory
5-10-180	Renting or Loaning Equipment
5-10-190	Use of Apparatus by Nonmembers
5-10-200	Entering Fire Stations
5-10-210	Interfering With Department

**5-10-100. Establishment; Composition.** There is created a volunteer fire department for the Town of Lusk which shall consist of the fire chief and such other members as may be provided by the fire department. The fire department shall prevent and extinguish fires, educate the public in all matters pertaining to fires and fire prevention, and care for all fire apparatus and other property in its charge. (Prior Code 8-201, 1978)

**5-10-110. Fire Chief.** The fire chief will be elected by the members of the fire department at the regular business meeting in January of each year, with confirmation by the Town Council. (Prior Code 8-204, 1978)

**5-10-120. Fire Chief Supervision.** It shall be the duty of the fire chief to supervise a volunteer fire department for the extinguishment and control of fires within a five-mile radius of the Lusk Fire Station. (Prior Code 8-205, 1978)

**5-10-130. Fire Inspector.** The fire chief is designated the official fire inspector for the Town of Lusk and, if necessary, may appoint others to assist with the inspection of any and all buildings and structures within the town. (Prior Code 8-205, 1978)

**5-10-140. Fire Chief Powers.** In addition to powers granted elsewhere in this chapter, the fire chief shall have the power to do all things necessary and proper for carrying into effect the laws of the state and the ordinances of the town pertaining to fire prevention and control. (Prior Code 8-205, 1978)



**5-10-150. Fire Chief Duties.** Duties of the fire chief will include, but not be limited by, the following:

- (a) Monthly fire reports to the office of the State Fire Marshall.
  - (b) Quarterly reports on training, maintenance, and fires to the Niobrara County Fire Warden.
  - (c) Supervise and approve all training activities.
  - (d) Maintain accurate records pertaining to the Town's ISO rating.
- (Prior Code 8-205, 1978)

**5-10-160. Investigation of Fires.** The Fire Chief shall keep or cause to be kept a complete record of the activities of the Fire Department and shall make a thorough investigation of each fire and report to the Town Council monthly, giving in detail, if available, the cause, location, time, owner, tenant, occupancy, type of building, insurance carried, insurance paid, building loss, contents and how extinguished, the apparatus used, firemen present, adequacy of water supply and pressure and any other information of value. (Prior Code 8-205, 1978)

**5-10-170. Equipment Inventory.** The Fire Chief shall annually make an inventory of all property owned by the Fire Department or in its charge, noting the condition of each article, which shall be submitted to the Town Council together with recommendations for the purchase of additional equipment needed and any other recommendations he may desire to submit affecting the Fire Department. (Prior Code 8-205, 1978)

**5-10-180. Renting or Loaning Equipment.** No fire apparatus shall be let out for hire or loaned in any case without the consent of the Fire Chief. The consent of the Town Council shall be required to allow any portion of the apparatus of the Fire Department to go outside the Town of Lusk. (Prior Code 8-207, 1978)

**5-10-190. Use of Apparatus by Nonmembers.** No person not a member of the Fire Department shall use any of the fire apparatus at fires or otherwise unless acting under orders of the commanding officer. (Prior Code 8-208, 1978)

**5-10-200. Entering Fire Stations.** No person shall be allowed to enter the fire station unless accompanied by a member of the Fire Department. (Prior Code 8-209, 1978)

**5-10-210. Interfering With Department.** No person shall interfere in any way with the Fire Department in the performance of its duties. (Prior Code 8-210, 1978)

**TITLE 5**  
**PUBLIC HEALTH AND SAFETY**  
**CHAPTER 15**  
**CIVIL DEFENSE**

Sections:

5-15-100	Civil Defense Unit
5-15-110	Duties of Mayor and Elected Officials
5-15-120	Authority
5-15-130	Municipal Civil Defense Council

**5-15-100. Civil Defense Unit.** The Mayor and all elected officials and all appointed officers and employees of the Town of Lusk are authorized and directed to join with the Board of County Commissioners and all other elected officials and appointed officers of Niobrara County for the purpose of establishing a city-county civil defense unit under the provisions of the Wyoming Civil Defense Act. (Prior Code 1-507, 1978)

**5-15-110. Duties of Mayor and Elected Officials.** The said Mayor and other duly elected officials and the said appointed officers of the Town of Lusk hereby are authorized and directed to do and perform each and every act that may be lawfully required of them by the Director of Civil Defense for the State of Wyoming under the provisions of the said Wyoming Civil Defense Act of 1951. (Prior Code 1-508, 1978)

**5-15-120. Authority.** The said Mayor and other duly elected officials and the appointed officers of the Town of Lusk are hereby authorized to continue such duties as may be required of them hereunder without further specific authority regardless of the personnel occupying such Town offices. (Prior Code 1-509, 1978)

**5-15-130. Municipal Civil Defense Council Created.** There is hereby created the Lusk Municipal Civil Defense Council which shall consist of the following:

(a) The Mayor of the Town of Lusk, who shall serve as Chairman of the Council; and who shall also be known as the Director of Civil Defense of the Town of Lusk, Wyoming.

(b) The Chief Civil Defense Officer who shall be charged with the preparation of the civil defense plan for the Town of Lusk, Wyoming, together with such other duties as the Director may prescribe.

(c) The members of the Town council of the Town of Lusk.

(d) Such other representatives from the civic, business, industry, labor, medical, veterans, professional or other groups as the Director, by and with the advice and consent of such Council, shall appoint. (Prior Code 1-801, 1978)

**5-15-140. Appointment of Chief Civil Defense Officer.** The Mayor of the Town of Lusk shall appoint with the approval of the Town Council a Chief Civil Defense Officer to fulfill the duties as hereinafter enumerated; any vacancy in the office which occurs for any reason shall be filled as soon as practicable by the procedure hereinabove set forth. (Prior Code 1-802, 1978)

**5-15-150. Duties of Chief Civil Defense Officer.** The said Chief Civil Defense Officer is hereby authorized and directed:

(a) To control and direct the regular police officers at the Town of Lusk to effect the provisions of this chapter.

(b) Forthwith to appoint and commission such additional police as to him shall be deemed for the best interest of such Town, such additional police to have all the powers of regular police officers but to serve without pay, such appointments and the tenure of such office to be wholly at the discretion of such Chief Civil Defense Officer; and from time to time as the needs or emergencies may require; to appoint and commission other such special or provisional police as may by him be deemed for the best interests of said Town, each of such special or auxiliary police to subscribe to the Oath of Office to be filed with the Town Clerk, provided only that in case of emergency, such oath need not be required;

(c) To control and direct the actual training of any and all such defense workers;

(d) To determine all questions of authority and responsibility which may arise within such Civil Defense Organization;

(e) To declare, by and with the approval of the Town Council and of the Mayor of said Town, the existence of a state of emergency, provided only, that if the said Town Council is not in session, the declaration of such an emergency by the said Chief Civil Defense Officer and the said Mayor, shall be subject to confirmation by the Town Council at its next meeting;

(f) To marshal, after the declaration of such an emergency all necessary personnel, equipment or supplies from a Department of the Town of Lusk to aid in the handling of such emergency.

(g) To issue all necessary proclamations as to the existence of such an emergency, and to issue reasonable rules and regulations for the preservation of life and property during such emergency. (Prior Code 1-803, 1978)

**5-15-160. Conflicting Ordinance, Orders, Rules and Regulations Suspended.** At all times during the existence of a declared emergency, all reasonable rules and regulations promulgated for the duration of such declared emergency, shall supercede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith. (Prior Code 1-804, 1978)

**5-15-170. No Conflict with the State or Federal Statutes.** This ordinance shall not be construed to conflict with any State or Federal Statute nor with any naval or military order, rule or regulation. (Prior Code 1-805, 1978)

**5-15-180. Violations.** The obstructing, hindering or delaying of any such special or auxiliary police or of any member of the Civil Defense Organization, shall be construed as the resistance of the police authority of such Town and shall be subject to such penalties as are therein provided for the resistance of a police officer. (Prior Code 1-806, 1978)

## TITLE 5

### PUBLIC HEALTH AND SAFETY

#### CHAPTER 20

#### NUISANCES

##### **Sections:**

5-20-100	Abandoned Vehicles
5-20-110	Prima Facie Evidence of Abandoned Vehicle Nuisance
5-20-120	Notice and Abatement
5-20-130	Uniform Code for The Abatement of Dangerous Buildings Adopted
5-20-140	Open Burning Within the Boundaries of the Town of Lusk Prohibited; Exceptions; Regulations Pertaining to Exceptions
5-20-150	Junk on Real Properties

##### **5-20-100. Prohibited Acts; Exception.**

(a) It shall be unlawful for any person to park, keep, store, leave or abandon any motor vehicle, boat, camper or other trailer of any kind or nature upon any public property, street, roadway or alley within the Town of Lusk, under such circumstances as set out in § 5-20-110 so as to constitute a nuisance.

(b) It shall be unlawful for any person to park, keep, store, leave or abandon more than two motor vehicles upon any private property within the Town of Lusk for such time or under such circumstances as set out in § 5-20-110 so as to constitute a nuisance. For purposes of this ordinance, it shall not be unlawful for any person to park, keep, or store two motor vehicles which would otherwise be classified as causing a nuisance under § 5-20-110, provided that to the extent and wherever possible such vehicles are parked or stored in the rear of the property and out of view of the general public. (Ord. 13-101, 2000; Ord. 13-101, 1993; Prior Code 13-101, 1978)

**5-20-110. Prima Facie Evidence of Abandoned Vehicle Nuisance.** For the purposes of this chapter, any one of the following circumstances shall be considered as prima facie evidence that a motor vehicle, boat, camper, or other trailer of any kind or nature on public property, a street, roadway or alley shall constitute a nuisance and that a motor vehicle on private property constitutes a nuisance:

(a) When any of the tires of the main wheels of such motor vehicle, boat, camper or other trailer of any kind have been removed or are deflated, other than for repair.

(b) When any of the main wheels of the motor vehicle, boat, camper, or other trailer of any kind have been removed, other than for repair.

(c) When any such motor vehicle, boat, camper or other trailer of any kind 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 motor vehicle, boat, camper, or other trailer of any kind, provided that these shall not apply to vehicles in the possession of licensed dealers for the purpose of sale at the place licensed for such sale.

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

For purposes of this chapter, the period of time for which the repair exception applies shall be: not to exceed five days on public property or roadways, streets and alleys, and not to exceed 30 days on private property. (Ord. 13-102, 2000; Ord. 13-102, 1993; prior Code 13-102, 1978)

#### **5-20-120. Notice and Abatement.**

(a) No person in charge or control of any private property whether as owner, tenant, occupant, lessee, contract purchaser or otherwise shall allow any motor vehicle which constitutes a nuisance to remain on such property longer than 10 days after having received written notice to remove 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 motor vehicle rests.

(b) Upon the failure of the person in charge or control of such private property to remove the motor vehicle within the allotted time, the municipality may remove 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) As to motor vehicles, boats, campers or other trailers of any kind which constitute a nuisance on public property, or in roadways, streets or alleys, the municipality shall leave a "Notice to Remove" on the nuisance vehicle, boat, camper or trailer in a conspicuous place; after five days of placing the Notice, the municipality may abate the nuisance and remove the motor vehicle, boat, camper or trailer.

(d) The penalty for a violation of §5-20-100 shall be as stated in §2-35-100 "general penalty," in addition to which shall be added the costs of abatement if removed by the municipality. An abatement of the nuisance by the municipality shall not relieve the person in charge, control or constructive possession of the "nuisance" of any penalty imposed for a violation of the ordinance. (Ord. 13-103, 2000; Ord. 13-103, 1993; prior Code 13-103, 1978)

#### **5-20-130. Uniform Code for The Abatement of Dangerous Buildings Adopted.**

Except as hereafter added to, deleted, modified, or amended there is hereby adopted that certain code known as the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as prepared and edited by the International Conference of Building Officials, and the provisions of said code shall be controlling in the abatement of dangerous buildings and other structures and in all matters covered by said code within the corporate limits of the Town of Lusk, and shall be known as the Lusk Code for the Abatement of Dangerous Buildings. (Ord. 13-201, 1985; prior Code 13-201, 1978)

**5-20-140. Open Burning Within the Boundaries of the Town of Lusk Prohibited; Exceptions; Regulations Pertaining to Exceptions.**

(a) Open burning of any material is prohibited within the Town of Lusk, Wyoming, except as provided in sub-section (b) herein below. Open burning is defined to mean any fire outdoors which is not contained in a qualified fire pit, fire box, or structure as set out in exceptions below. Burners, mobile cooking devices, such as hibachis, charcoal or gas grills, wood smokers and other propane or natural gas devices shall not be considered as “open burning” for purposes of this Ordinance.

**(b) EXCEPTIONS AND REGULATIONS PERTAINING TO EXCEPTIONS.**

1. A recreational fire set outdoors for cooking, warming or ceremonial purposes shall be allowed provided the same is contained in a fire pit, fire box, or structure which does not exceed a three (3') foot diameter circle as measured from the inside of the fire ring or border and shall not exceed three (3') feet in height.

2. The fire pit, fire box, or structure must be constructed of a noncombustible and non-smoke, non-odor producing material, i.e. rock, cement brick, tile or ferrous metal. The fire pit, fire box or structure must be covered with a fire screen when burning which fire screen is designed to properly fit the fire pit, fire box, or structure.

3. The only material allowed for burning in a fire pit, fire box or structure, as described above, shall be dry, clean wood, such as logs, twigs, branches, limbs, presto logs, charcoal, cordwood or untreated dimensional lumber. The following materials are prohibited from burning: oil, petroleum fuels, rubber, plastic, chemically treated materials such as tires, railroad ties, treated, painted or glued wood composite shingles, tarpaper, insulation, composition board, sheet rock, wiring, paint or paint fillers, leaves, grass clipping, or hazardous waste materials of any kind.

4. All allowed recreational fires shall be ignited with a safe and customarily approved starter fuel and shall produce little detectable smoke, odor, or soot beyond the property line of the property on which the recreational fire has been constructed.

5. All allowed recreational fires must be attended by an adult at all times and must be completely extinguished before being left unattended.

6. No more than one (1) recreational fire shall be allowed on any property at one time.

**(c) BURNING BAN OR AIR QUALITY ALERT.**

1. The Mayor of the Town of Lusk is authorized to declare a burn ban at any time conditions make an open fire potentially hazardous. At such times and for such periods a burn ban is in effect, no recreational fires shall be allowed.

**(d) PENALTIES.**

1. Any person Violating any of the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor, punishable as provided by §2-35-100, Municipal Code of Lusk. (Amended 2013, Prior Code 14-103, 1978)

**5-20-150. Junk on Real Property within the Corporate Limits of the Town of Lusk; Exception.**

**SECTION ONE: PURPOSE.**

This ordinance is enacted for the purpose of prohibiting the deposit and/or accumulation of materials classified as “junk” as defined herein below, on any real property, by owners, agents, tenants, purchasers, contractors, or lessees of any premises within the corporate limits of Lusk, Wyoming; declaring the same to be a “nuisance;” providing for “Notice of Non-Compliance” and providing for a hearing and an appeal process.

**SECTION TWO: DEFINITIONS.**

A. **JUNK** means all articles such as, but not limited to, appliances, furniture (except furniture intended for outdoor use), furniture parts, boxes, cardboard, paper, glass, plastic, scrap lumber, wood (except firewood cut to a length of no more than three feet and stacked neatly and orderly in a pile no higher than six feet), pallets, tires, auto parts, mattresses, batteries, machinery parts, rags, combustibles or flammable waste, litter, refuse, rubbish, building materials (except construction materials being used currently and in accordance with a building permit), iron, copper, brass, aluminum, scrap metal and all other materials which are not necessary for use of the property as legally intended. As used in this Ordinance junk only refers to materials left outside of any building and does not apply to items stored inside a lawfully constructed building so long as the building is wholly enclosed, except for doors for ingress and egress. This Ordinance does not apply to “containers” which are kept for depositing refuse as defined in Lusk Municipal Ordinance 11-5-120.

B. **PERSON** means any individual, firm, partnership, corporation or other business entity or the executor, administrator, trustee, receiver, assignee, tenant, agent, lessee, purchaser on contract for deed or personal representative of a deceased person.

C. **PROPERTY** means any real property within the Town of Lusk, except streets, alleys and sidewalks as are defined in Lusk Municipal Ordinance 10-15-140 which Ordinance prohibits obstruction of streets, alleys and sidewalks.

**SECTION THREE: PUBLIC NUISANCE DECLARED.**

The deposit, accumulation, or storage of “junk” on private or public property is found to create a condition tending to reduce the value of private property, to promote blight deterioration, to invite plundering, to create fire hazards, to constitute an “attractive nuisance” in creating a hazard to the health and safety of the public, to create a harborage for insects, rodents, skunks and other vermin and to be injurious to the health, safety and general welfare of the public. Therefore, the presence of junk on private property or public property, except as expressly permitted, is **declared to constitute a Public Nuisance** which may be abated in accordance with the provisions of this Ordinance.

**SECTION FOUR: NOTICE TO ABATE NUISANCE-COMPLIANCE REQUIRED.**

A. It shall be the duty of every person receiving notice of a public nuisance as provided in this Ordinance to comply with the provisions of the notice and to abate the nuisance within ten (10) business days after receipt of the notice; and if the person fails or refuses to abate the nuisance within said ten (10) business days without just cause, the failure is declared to be unlawful and shall constitute a misdemeanor. Each day the nuisance persists will constitute a

separate violation.

B. It is unlawful and shall continue a misdemeanor for any person, after having received notice to abate, to remove any “junk” from any real property to another parcel upon which storage is not permitted or to any street, alley, sidewalk or highway.

#### **SECTION FIVE: CONTENTS OF NOTICE TO ABATE-PROCEDURE**

A. When a property is identified as a public nuisance by the Mayor, Town Council, Public Works Director or Law Enforcement Officer of the Town of Lusk, the Lusk Police Department shall attempt to give notice to the owner of the real property where the junk is located. Notice shall be completed by personal service or certified mail.

B. Notice will include substantially the following information:

1. The address of the real property and a statement that the real property is not in compliance with this Ordinance. A statement specifying what is in non-compliance.

2. A statement that the nuisance must be abated within ten business days from receipt of the notice.

3. A statement that if the nuisance is not abated within the ten day period a criminal misdemeanor charge may be filed which could result in a fine not to exceed \$750.00 plus court costs; and a statement that the Town may abate the nuisance the cost of which will be charged to the owner of the subject real property and assessed against the real property.

4. A statement that a hearing upon the allegation of a public nuisance may be requested within ten days of receipt of the notice by giving written request to the Town Clerk of the Town of Lusk. The request for hearing must specify the real property concerning the alleged nuisance, must include the name and address of the person requesting the hearing.

C. In the event personal notice and notice by certified mail cannot be given after a reasonable effort to do so, notice will be made by publication one time in a newspaper of general circulation in the County of Niobrara, Wyoming.

D. Notice by publication shall contain the same information as is required in subparagraph B immediately above. Proof of notice shall be by affidavit of the person giving the notice specifying the date, time and manner of giving the notice.

#### **SECTION SIX: HEARING PROCEDURE.**

A. If notice is properly given and no request for a hearing is made the Town may proceed to abate the nuisance after the ten day abatement period. If a hearing is requested timely abatement by the Town will only proceed upon resolution by the Town Council after the hearing.

B. If a hearing is requested it will be held before the Town Council on such date and as such time as set by the Town Clerk. Notice of a hearing place, date and time shall be sent to the parties at least ten days in advance of the hearing. The purpose of the hearing will be to confirm or deny the existence of a public nuisance and for taking further action as is authorized under this Ordinance.



C. At the hearing, all parties shall be afforded an opportunity to present evidence, to cross-examine witnesses and present argument. All persons giving testimony shall be sworn and all proceedings shall be in accordance with the Wyoming Administrative Procedures Act. The decision of the Town Council shall be based on the type of evidence commonly relied on by reasonable prudent people in the conduct of their serious affairs.

D. At or after the hearing, and if a public nuisance has been confirmed, the Town Council may resolve the matter by delaying the time for abatement for good cause; may order that Town personnel remove or otherwise abate the nuisance and assess costs for the same. If the Town Council finds a public nuisance does not exist abatement authority will be denied.

E. An adverse decision against the property owner may be appealed to the District Court having jurisdiction in the County of Niobrara in the same manner as an appeal from an adverse decision rendered by an agency in a contested case under the provisions of the Wyoming Administrative Procedure Act.

F. In the event a request for a hearing is not timely made as provided herein, the right to a hearing shall be considered waived.

#### **SECTION SEVEN: VOLUNTARY CONSENT TO REMOVE.**

A. The owner of any real property upon which any “junk” is located may voluntarily consent to the removal of the property by the Town. In order to give consent all owners of the property will execute an affidavit in a form acceptable to the city attorney stating that there are no other known owners of the property or “junk” and there are no liens having a security interest in the property; that the owner will reimburse the Town for the actual cost of removal or other costs as are established by the Town Council for the removal; and that reimbursement will be made to the Town within thirty (30) days of removal. The affidavit will constitute a statement by the owner that the owner will indemnify the Town for any loss or expense alleged by any other party as a result of removal or disposal. The execution of the affidavit shall also release the Town from any obligation to account or pay over to the owner any amount the Town receives for the property in the event of sale.

#### **SECTION EIGHT: EXCEPTION TO ORDINANCE.**

A. This ordinance shall not apply to such areas as may be zoned “General Industrial District” (I-G) and is used as a junk yard as defined in Title 15, Chapter 5 at Section 15-5-110(a)(15), Lusk Municipal Code; provide that the owner or occupant complies with all permitting and licensing requirements of State and Local Government; and provided further that the area is completely screened by a solid fence in accordance with Section 15-50-110 of said Code. If the property is not in compliance as set forth herein it shall be considered a violation of this Ordinance and subject to the same procedure and penalties of this Ordinance.

#### **SECTION NINE: PENALTY.**

The penalty for any person violating this Ordinance shall, upon conviction in the Municipal Court, be assessed in accordance with the general penalty provision set forth in Ordinance 2-35-100, Lusk Municipal Code.  
(Adopted, 2018)

## **TITLE 5**

### **PUBLIC HEALTH AND SAFETY**

#### **CHAPTER 25**

#### **WEEDS**

##### **Sections:**

5-25-100      Removal; Required

##### **5-25-100:**

**A.** It shall be the duty of any owner, occupant or agent having control of any real property within the Town of Lusk, Wyoming to keep said real property, as well as any right of way adjoining the real property, (i.e. the space between the property line and a street or alley) mowed. Any real property or adjoining right of way having grass or weeds in excess of eight inches (8”) in height is deemed to be a nuisance.

**B.** If a property is identified as a nuisance, as defined above, by the Lusk Police Department, the Public Works Director, Mayor or a member of the Town Council, then the Lusk Police Department shall cause a “Non-Compliance” notice to be delivered to the owner of the real property. If the owner cannot be ascertained then notice shall be given to the agent of the owner or the occupant of the real property. The notice shall identify the address of the real property or right of way which requires mowing and shall require compliance to this ordinance within three (3) days of notice being give.

**C.** Notice shall be delivered personally by an officer of the Lusk Police Department to the owner; if the owner is not located within the town the notice shall be mailed by certified mail to owner’s address. If the owner’s address cannot be ascertained the notice shall be served upon any occupant of the real property or agent of owner if known. Notice shall be given by publication in a newspaper of general circulation in Niobrara County if it cannot be served personally or by certified mail. Notice by publication shall be published once and shall identify the address of the subject property and name of owner and shall reference the penalties and costs for non-compliance.

**D.** Failure to comply within the three (3) day period shall result in a misdemeanor citation being issued which provides for a maximum fine of \$750.00.

**E.** Upon failure to comply with the notice given the municipality may have the real property and rights-of-ways mowed and weeds destroyed and the owner, agent or occupant will be billed at a rate of \$150.00 per hours for time expended by Town crews in doing so. If the bill is not paid within 30 days of mailing the same, it shall become a lien against the real property and collected as provided by Wyoming Law. Costs of mowing and/or removing weeds by the municipality shall be in addition to fines and costs levied by the Municipal Court.

**F.** The penalty for non-compliance upon conviction shall be assessed in accordance with the general penalty provision set forth in Ordinance 2-35-100 of the Lusk Municipal Code.

( Amended 2018, Prior Code 18-302, 1978)

## **TITLE 6**

### **CRIMES AND OFFENSES**

#### **Chapters:**

- 6-5     Offense
- 6-10   Public Indecency and Obscenity
- 6-15   Minors Curfew
- 6-20   Metal Detecting

### **CHAPTER 5**

#### **OFFENSE**

#### **Sections:**

- 6-5-100     Battery
- 6-5-110     Property Destruction and Defacement
- 6-5-120     Camping
- 6-5-130     Crossing Lawns; Tying Animals to Trees
- 6-5-140     Discharging Firearms, Fireworks
- 6-5-150     Concealed Weapons Prohibited
- 6-5-160     Exceptions
- 6-5-170     Special Use Permits
- 6-5-180     Disorderly Conduct
- 6-5-190     Disturbing the Peace
- 6-5-200     Disturbing Assemblages
- 6-5-210     False Fire Alarms
- 6-5-220     False Call for Police
- 6-5-230     Fences; Erection of Dangerous Fences
- 6-5-240     Fire Alarm System; Interfering With
- 6-5-250     Fire Hydrants, Water Mains; Interfering With
- 6-5-260     Gambling Prohibited
- 6-5-270     Gambling; Allowing on Premises
- 6-5-280     Gambling; Confiscation of Devices
- 6-5-290     Fighting in Public
- 6-5-300     Municipal Employees; Interfering With
- 6-5-310     Prostitution
- 6-5-320     Public Drunkenness
- 6-5-330     Refrigerators, Ice Boxes; Abandonment
- 6-5-340     Shoplifting
- 6-5-350     Unlawful Peeping
- 6-5-360     Open Containers Prohibited
- 6-5-370     Dogs of Police Department-Cruelty to; Interference With
- 6-5-380     Public Urination/and or Defecation
- 6-5-390     Tobacco and Vapor Products; Possession by Minors Unlawful

**6-5-100. Battery.** It shall be unlawful to touch another person in a rude, insolent or angry manner, or to intentionally, knowingly, or recklessly cause bodily injury to another. (Prior Code 14-101, 1978)

**6-5-110. Property Destruction and Defacement.** No person shall knowingly destroy, damage, deface, break or injure the property of another without the owner's consent. (Prior Code 14-102, 14-117, 1978)

**6-5-120. Camping.**

(a) It shall be unlawful for any person to camp or park overnight a motor vehicle, motor home, mobile trailer, tent or any other device of apparatus within a public park or recreational area owned or held by the Town of Lusk.

(b) The governing body of the Town of Lusk shall be authorized to erect such signs as it may require to give the public notice of this ordinance.

(c) Persons, clubs or organizations desiring to utilize the premises described above for overnight camping or functions may be granted permission to do so upon applying for a permit from the Town Clerk.

(d) The Lusk Police Department is authorized and directed to enforce this ordinance as any other municipal offense and the penalties shall be as provided generally for violation of a municipal ordinance. (Ord. 14-104, 1983; prior Code 14-104, 1978)

**6-5-130. Crossing Lawns; Tying Animals to Trees.**

(a) No person shall walk, run, ride or in any other manner cross over or upon any lawn, garden, or otherwise improved lot, whether enclosed or not, without permission of the owner or occupant thereof.

(b) No person shall, without permission of the owner of the tree, destroy or mutilate or tie any animal to any growing tree or to the boxing around a tree. (Prior Code 14-105, 1978)

**6-5-140. Discharging Firearms, Fireworks.** It shall be unlawful for any person to fire or discharge any firearm, whether containing live ammunition or blanks, gas cartridge powered BB, pellet or paint ball gun, cannon, fireworks of any description, or any other article containing gunpowder or other combustible or explosive material, subject to the exceptions set forth in § 6-5-160 or with a special use permit set forth in § 6-5-170. (Ord. 14-406, 1998; prior Code 14-406, 1978)

**6-5-150. Concealed Weapons Prohibited.** It shall be unlawful for any person to carry or wear upon his person, either concealed or openly, any dangerous or deadly weapon into an establishment open to the public where alcoholic or malt beverages are sold, dispensed or consumed within the limits of the Town of Lusk. (Ord. 14-406, 1998; prior Code 14-406, 1978)

**6-5-160. Exceptions.** Excepted from §§ 6-5-140 and 6-5-150 are:

- (a) Law Enforcement and Animal Control officers in the exercise of their official duty;
- (b) Fireworks on the Fourth of July of each year, provided that this exception shall only be available from 8:00 a.m. on the 4th day of July to midnight on the 4th day of July of each year; and provided further that on said date only “consumer fireworks” may be discharged within the Town of Lusk; M80’s or larger explosive firework devices are illegal for the general public to possess. No explosive device will be set off in the city limits that cannot be purchased by the general public on over the counter sales provided said sales are in compliance with the United States and United Nations code 1.4;

(1) Definition of “consumer fireworks”: any small firework device designed to produce visual effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety commission, as set forth in title 16, Code of Federal Regulations, Parts 1500 and 1507. Some small devices designed to produce audible effects are included, such as whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials. Consumer fireworks are classified as fireworks UN0336, and UN0337 by the U.S. Department of Transportation at 49 CFR 172.1. (Amended 2008, Ord. 6-5-160, 2008; Ord. 6-5-160, 2008; Ord. 14-406, 1998; prior Code 14-406, 1978)

**6-5-170. Special Use Permits.**

(a) Special use permits may be obtained from the governing body of the Town of Lusk for and prior to special events such as athletic events, parades, and other bonafide business use or civic events. To apply for a special use permit, person(s) or organizations shall submit, in writing, the following information:

- (1) Date and time of detonation or discharge;
- (2) Type of activity or event;
- (3) Exact location of detonation or discharge;
- (4) Exact type of firearm, explosive material or fireworks.

(b) Before approving any application, the Town shall require a written recommendation from the Chief or Police as to whether the use is acceptable or not. In order to avoid delays in the processing of a Special Use Permit, the permit may be approved and signed by the Mayor alone or by the Town Clerk and Chief of Police jointly, without necessity of convening the Town Council. The approval may be subject to the requirement that adequate liability insurance be obtained by the applicant. (Ord. 14-406, 1998; prior Code 14-406, 1978)

**6-5-180. Disorderly Conduct.**

(a) A person shall be deemed guilty of disorderly conduct if he willfully:

(1) Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.

(2) Causes, provokes or engages in any fight, brawl, or riotous conduct so as to endanger the life, limb, health or property of another.

(3) Incites, attempts to incite, or is involved in attempting to incite a riot. For the purposes of this section the term "riot" shall mean a tumultuous disturbance of the peace by persons assembled in attempting to incite a riot. For the purposes of this section the term "riot" shall mean a tumultuous disturbance of the peace by persons assembled and acting with a common intent to the terror of the people of the Town of Lusk, either in executing a lawful enterprise in a violent or turbulent manner or in executing an unlawful enterprise in a violent or turbulent manner.

(4) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the police or other lawful authority known to be such.

(5) Damages, befoils or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.

(6) Fails to obey a lawful order to disperse by a police officer when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.

(7) Resists or obstructs the performance of duties by police or any other authorized official of the Town of Lusk, when known to be such an official.

(8) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health.

(9) Interferes with another's pursuit of a lawful occupation by acts of violence.

(10) Uses abusive, profane or obscene language in any public place. (Ord. 14-407, 1995; prior Code 14-407-1978)

**6-5-190. Disturbing the Peace.** A person shall be guilty of disturbing the peace if he willfully:

(a) Interrupts or disturbs the peace of the Town of Lusk or any persons therein by the use of threatening, abusive, profane or obscene language, rude behavior or violent actions.

(b) Disturbs the peace of a neighborhood, neighbor or any person within the Town of Lusk with any loud or unnecessary noise, music, talking or yelling, motor vehicle engine noise, spinning of tires, or any noise which is loud and unnecessary and which annoys or could be deemed to annoy or disturb the neighbors, neighborhood or other persons within the Town of Lusk.

(c) A person or persons who permit(s) or allow(s) loud and unnecessary noise to emanate from premises owned, leased or in possession or control of that person or persons, including the permitting, allowing and/or participating of any gathering or party on the premises which results in loud or unnecessary noise as set out in subsection (b) above.

(d) For purposes of this ordinance, a complaint for violation thereof may be brought by any complaining person or by any law enforcement officer who hears or observes such violation; the person or persons causing the noise as well as the persons or persons owning,

(e) renting or in possession or control of any private premises from which the noise is emanating may be cited with a violation of this section. (Ord. 14-107, 1995; prior Code 14-107, 14-119, 1978)

(f) It shall be unlawful for any person to use, operate, or cause to be used any mechanical exhaust device, motor brake, compression brake, or other device that results in loud, excessive, unusual or explosive noise within the Town of Lusk, Wyoming. Use of the same within the city limits is declared to be a breach of the peace unless the same is used on an emergency basis to avoid damage to the property or injury to persons. (Adoption Ordinance 2019)

**6-5-200. Disturbing Assemblages.**

(a) No person shall disturb any lawful assemblage of people by rude, boisterous or indecent behavior or otherwise.

(b) No person shall annoy or disturb any congregation or assembly gathered together for religious worship, by making a noise, by rude or indecent behavior or profane discourse, within the place where in such congregation or assembly is gathered together or so near the same as to be heard by or tending to disturb the person so engaged or assembled. (Prior Code 14-108, 1978)

**6-5-210. False Fire Alarms.** No person shall knowingly give a false alarm of fire except those for test purposes given or caused to be given by the Chief of the Fire Department. (Prior Code 14-109, 197)

**6-5-220. False Call for Police.** It shall be unlawful for any person to call any police officer to any place, falsely pretending, or falsely giving such officer to understand that he is needed or wanted in any place as such officer. (Prior Code 14-110, 1978)

**6-5-230. Fences; Erection of Dangerous Fences.** It shall be unlawful for any person to erect or maintain upon residential property in the Town, any barbed wire fence, electric fence or fence of any other nature which is so constructed as to be potentially dangerous to human beings. (Prior Code 14-111, 1978)

**6-5-240. Fire Alarm System; Interfering With.** No person shall interfere with any part of the fire alarm system unless so authorized by the Chief of the Fire Department. (Prior Code 14-112, 1978)

**6-5-250. Fire Hydrants, Water Mains; Interfering With.** No person shall shut off or turn on or interfere in any way, with any fire hydrant, valve or water main in the municipality. (Prior Code 14-113, 1978)

**6-5-260. Gambling- Definitions.** Wyoming Statute 6-7-101 is, by this reference, hereby adopted in full as to definitions of gambling and listing of exceptions. (Prior Code 14-114, 1978; Amended 2023)

**6-5-270 Gambling; Professional Gambling; Penalties.** Wyoming Statute 6-7-102 is, by this reference, hereby adopted in full as to penalties for gambling and professional gambling. (Prior Code 14-115, 1978; Amended 2023)

**6-5-280. Gambling Devices, Gambling Records, Gambling Proceeds Subject to Seizure; Disposition Thereof; Antique Gambling Devices Protected.** Wyoming Statute 6-7-103 is, by this reference, hereby adopted in full as to seizure of gambling records and proceeds and exempting antique gambling devices from seizure. (Prior Code 14-116, 1978; Amended 2023)

**6-5-290. Fighting in Public.** It shall be unlawful for any person to, by agreement, fight with one or more persons in public. (Adoption Ordinance, 2004)

**6-5-300. Municipal Employees; Interfering With.** No person shall interfere in any way with any employee of the municipality in the performance of his work, nor displace any stakes or landmarks deposited or installed by any employee, nor in any way molest any tools, instruments or equipment of any employee, nor in any way molest any tools, instruments or equipment used by such employee in the duties assigned to him. (Prior Code 14-118, 1978)

**6-5-310. Prostitution.**

(a) No person shall knowingly or intentionally perform or permit, offer or agree to perform or permit an act of sexual intrusion, as defined by W.S. § 6-2-301(a)(vii), for money or other property.

(b) No person shall knowingly or intentionally pay, offer or agree to pay money or other property to another person under circumstances strongly corroborative of the intention that the act of prostitution be committed. (Prior Code 14-125, 1978)

**6-5-320. Public Drunkenness.** It shall be unlawful for any person to be drunk or in a state of intoxication in any highway, street, thoroughfare or other public place within the Town of Lusk. (Prior Code 14-126, 1978)

**6-5-330. Refrigerators, Ice Boxes; Abandonment.** It shall be unlawful for any person to leave or permit to remain outside of any dwelling or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended, or discarded ice box, refrigerator or other container which has an airtight door or lid, snaplock or other locking devices, which may not be released from the inside, without first removing the door or lid, snaplock or other locking device from such ice box, refrigerator or container. If any ice box, refrigerator or other container is found with the door or lid intact, the door or lid may be removed at the owner's expense by any employee of the Town of Lusk. (Prior Code 14-127, 1978)

**6-5-340. Shoplifting.**

(a) It shall be unlawful for any person to willfully conceal or take possession of any goods offered for sale by wholesale or retail stores or other mercantile establishments, without the knowledge or consent of the owner thereof and with intent to convert the goods to his own use without paying the purchase price.

(b) Any police officer, merchant or merchant's employee who has reasonable cause for believing that a person has committed the crime of shoplifting, as defined by subsection (a) of this section, may detain and interrogate such person in regard thereto in a reasonable manner and for a reasonable time.

(c) When a police officer, merchant or merchant's employee with reasonable cause for believing that a person has committed the crime of shoplifting, as defined by subsection (a) of



this section, detains and interrogates such person in regard thereto, and such person thereafter brings against the police officer, merchant or merchant's employee a civil criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon the detention and interrogation, such reasonable cause shall be a defense to the action if the detention and interrogation were done in a reasonable manner and for a reasonable time. (Prior Code 14-128, 1978)

**6-5-350. Unlawful Peeping.** It shall be unlawful for any person to invade or attempt to invade the privacy of another person by resort to "peeping," which is hereby defined as the stealthy, clandestine or surreptitious visual invasion, or attempted visual invasion of a person's privacy. (Prior Code 14-129, 1978)

**6-5-360. Open Containers Prohibited.**

(a) It shall be unlawful for any pedestrian to openly and conspicuously consume, carry, or possess any alcoholic or malt beverage in any open or unsealed container within or upon any of the following designated places within the limits of the Town of Lusk, including all streets, alleys, sidewalks, parking lots, and ball parks within the Town of Lusk, Wyoming, which are owned and maintained by the Town of Lusk and utilized by and for the public; and such other areas as may be designated by official act of the governing body of the Town of Lusk and made a part of this ordinance.

(b) All liquor licensees or permittees operating an establishment within the Town of Lusk shall post in a conspicuous place within the establishment a notice containing the essential terms and requirements of "The Open Container Ordinance." Notices shall be furnished by the Town of Lusk.

(c) This ordinance shall be posted in conspicuous places by the Town of Lusk.

(d) This ordinance may be suspended by the governing body of the Town of Lusk for such special event or events as are designated and approved by the governing body from time to time. An application for a permit shall be submitted by the person or representative of the organization requesting the same. The governing body shall review the same and allow or deny the permit accordingly. (Amended & Adopted September 2016)

(e) Any person found guilty of violating any of the provisions of this ordinance shall, upon conviction, be subject to the penalties provided in § 2-35-100 (Ord. 14-131, 1985; Ord. 14-131, 1984; prior Code 14-131, 1978)

**6-5-370. Dogs of Police Department – Cruelty to; Interference with.**

(a) No person shall willfully or maliciously torture, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department in the performance of the functions or duties of such department, nor shall any person unwarrantably interfere with or meddle with any such dog while being used by the police department or any officer or member thereof in the performance of any of the functions or duties of the police department or of such officer or member.

(b) Any person found guilty of violating any of the provisions of this ordinance shall, upon conviction, be subject to the penalties provided in § 2-35-100. (Adopted December 1, 2009)

**6-5-380. Public Urination and/or Defecation.** It is unlawful, except in the use of appropriate facilities in restrooms designed for public use, for any person to urinate or defecate on any public street, sidewalk, alley, or in any other public place, or in any other place open to the public view. Any person found guilty of violating any of the provisions of this ordinance shall, upon

conviction, be subject to the penalties provided in § 2-35-100 Lusk Municipal Code. (Adopted January, 2020)

**6-5-390. Tobacco and Vapor Products—Possession by Minors Unlawful.**

(a) It shall be unlawful for any person under the age of twenty-one (21) years to possess or use cigarettes, cigars, vapor products/devices, electronic cigarettes, or alternative nicotine products, or use tobacco in any form whatsoever.

(b) Tobacco products shall be defined to mean any substance containing tobacco leaf, including but not limited to, cigarettes, pipe tobacco, snuff, chewing tobacco, dipping tobacco, vapor products, electronic cigarettes, or alternative nicotine products.

(c) Any person found guilty of violating any of the provisions of this ordinance shall, upon conviction, be subject to the penalties provided in § 2-35-100 Lusk Municipal Code. (Adopted January, 2020)

## TITLE 6

### CRIMES AND OFFENSES

#### CHAPTER 10

#### PUBLIC INDECENCY AND OBSCENITY

##### Sections:

6-10-100	Definitions
6-10-110	Public Indecency
6-10-120	Promoting Obscenity
6-10-130	Liquor License Holder Permitting Public Indecency

**6-10-100. Definitions.** For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Disseminate" means to sell, distribute, deliver, provide, exhibit or otherwise make available to another.

(b) "Material" includes any form of human expression or communication intended for, or capable of, visual, auditory or sensory perception.

(c) "Obscene" is material which the average person would find:

(1) Applying contemporary community standards, taken as a whole, appeals to the prurient interest;

(2) Applying contemporary community standards, depicts or describes sexual conduct in a patently offensive way; and

(3) Taken as a whole, lacks serious literary, artistic, political or scientific value.

(d) "Produce or reproduce" means to bring into being regardless of the process or means employed. Undeveloped photographs, films, molds, casts, printing plates and like articles may be obscene notwithstanding that further processing or other acts are necessary to make the obscenity patent or to disseminate or exhibit the obscene material.

(e) "Sexual conduct" means:

(1) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated;

(2) Sado-masochistic abuse; or

(3) Patently offensive representations or descriptions of masturbation, excretory functions or lewd exhibitions of the genitals. (Prior Code 14-121, 1978)

##### **6-10-110. Public Indecency.**

(a) A person is guilty of public indecency if, while in a public place where he may reasonably be expected to be viewed by others, he:

(1) Performs an act of sexual intrusion, as defined by W.S. 6-2-301(a)(vii); or

(2) Exposes his intimate parts, as defined by W.S. § 6-2-301(a)(ii), with the intent of arousing the sexual desire of himself or another person; or

(3) Engages in sexual contact, as defined by W.S. § 6-2-301(a)(vi), with or without consent, with the intent of arousing the sexual desire of himself or another person. (Prior Code 14-120, 1978)

**6-10-120. Promoting Obscenity.**

(a) A person commits the crime of promoting obscenity if he:

- (1) Produces or reproduces obscene material with the intent of disseminating it;
- (2) Possesses obscene material with the intent of disseminating it; or
- (3) Knowingly disseminates obscene material.

(b) This section shall not apply to any person who may produce, reproduce, possess or disseminate obscene material:

- (1) In the course of law enforcement and judicial activities;
- (2) In the course of bona fide school, college, university, museum or public library activities or in the course of employment of such an organization. (Prior Code 14-122, 1978)

**6-10-130. Liquor License Holder Permitting Public Indecency.** No person, firm, corporation or other entity holding a liquor license within the Town of Lusk, or said licensee's agent or employee, shall knowingly permit public indecency within the dispensing room, building or premises so licensed. (Adoption Ordinance, 2004)

## TITLE 6

### CRIMES AND OFFENSES

#### CHAPTER 15

#### MINORS CURFEW

##### Sections:

6-15-100	Minors Prohibited on Streets During Certain Hours
6-15-110	Parent Liability

**6-15-100. Minors Prohibited on Streets During Certain Hours.** It is hereby made unlawful for any minor person under the age of 18 years to be, or remain in or upon any of the streets, sidewalks, alleys or public places within the limits of the Town of Lusk, County of Niobrara, State of Wyoming, between the hours of 11:00 p.m. and 6:00 a.m. unless such person is accompanied by a parent or guardian or other person having legal custody of such minor or unless such minor is in the performance of an errand or duty directed by such parent, guardian or other person having the care and custody of such minor or whose employment makes it necessary to be upon said streets, sidewalks, alleys or public places during the aforementioned hours. (Prior Code 14-130, 1978)

**6-15-110. Parent Liability.** It is hereby made unlawful for any parent, guardian, or other person having the legal care and custody of any minor child under the age of 18 years, to knowingly allow or permit any such minor child who is in such legal custody or control to go on or be in or upon any of the streets, sidewalks, alleys or other public places within the limits of the Town of Lusk, Niobrara County, State of Wyoming within the hours enumerated in § 6-15-100 of this Chapter; except for the reasons and exceptions set out in § 6-15-100 of this Chapter. (Prior Code 14-130, 1978)

**TITLE 6**  
**CRIMES AND OFFENSES**  
**CHAPTER 20**  
**METAL DETECTING**

**Sections:**

6-20-100      Metal Detecting and Disturbing Public Property

**6-20-100. Metal Detecting and digging, probing, or otherwise disturbing the ground on public property prohibited without permission.** It is declared unlawful for any person or persons to enter upon public property within the limits of the Town of Lusk, Wyoming for the purpose of using a metal detector to locate objects and to dig, probe or otherwise disturb the ground on said public property unless written permission from Lusk Public Works has been obtained. Metal detecting, digging, probing, or otherwise disturbing the ground on public property without prior written permission of Lusk Public Works is MISDEMEANOR PUNISHABLE AS PROVIDED IN Ordinance 2-35-100 Lusk Municipal Code 2004. (Adopted October, 2020)

## **TITLE 7**

### **MOTOR VEHICLES AND TRAFFIC**

#### **Chapters:**

- 7-5 General Program
- 7-10 Operation of Vehicles
- 7-15 Speed Regulations
- 7-20 Traffic Control Devices
- 7-25 Stopping, Standing, Parking
- 7-30 Pedestrian Rights and Duties
- 7-35 Bicycles
- 7-40 Snowmobiles
- 7-45 Equipment
- 7-50 Accidents
- 7-55 Administration and Enforcement
- 7-60 Child Safety Restraint
- 7-65 Seat Belt Usage

## **CHAPTER 5**

### **GENERAL PROGRAM**

#### **Sections:**

- 7-5-100 Adoption
- 7-5-110 Deletions
- 7-5-120 Definitions
- 7-5-130 Applicability of Provisions
- 7-5-140 Obedience to Authorized Persons Directing Traffic
- 7-5-150 Applicability to Drivers of Public Vehicles
- 7-5-160 Authorized Emergency Vehicles
- 7-5-170 Persons riding Animals or Driving Animal-Drawn Vehicles
- 7-5-180 Right of Real Property Owners
- 7-5-190 Operation of Motorcycles and Pedestrian Vehicles
- 7-5-200 Obstruction to Driver's View or Driving Mechanism
- 7-5-210 Injurious Material on Highway
- 7-5-220 Clinging to Vehicles
- 7-5-230 Driving upon Sidewalk
- 7-5-240 Opening and Closing Vehicle Doors
- 7-5-250 Riding in House Trailers
- 7-5-260 Funeral Processions.
- 7-5-270 Off-road Vehicles

**7-5-100. Adoption.** Pursuant to W.S. § 15-1-119 (1977), Chapter 5 of Title 31 of Wyoming Statutes 1977, including all amendments thereto through and including July 1, 2004, except such sections of said Chapter as are specifically deleted therefrom by § 7-5-110 of this Code, are hereby adopted by reference and incorporated herein as a part of this Chapter as if fully set forth herein. (Prior Code 12-102, 1978)

**7-5-110. Deletions.** The following sections of Chapter 5, Title 31 of Wyoming Statutes 1977, as amended, are specifically deleted and excepted therefrom before adoption by the Town Council, as provided in § 7-5-100 of this Chapter:

	§ 31-5-1101(b)
§ 31-5-110	§ 31-5-1108
§ 31-5-114	§ 31-5-1110
§ 31-5-118	§ 31-5-1112
§ 31-5-225(b)	§ 31-5-1201
§ 31-5-227	§ 31-5-1204
§ 31-5-233	§ 31-5-1206(c)
§ 31-5-235	§ 31-5-1212
§ 31-5-302	§ 31-5-1501
§ 31-5-502	§ 31-5-1502
§ 31-5-937	§ 31-5-1503
§ 31-5-938	§ 31-5-1504
§ 31-5-939	§ 31-5-1505
§ 31-5-940	§ 31-5-1506
§ 31-5-959	§ 31-5-1507
§ 31-5-1009	

(Adoption Ordinance, 2004)

**7-5-120. Definitions.**

(a) Except as otherwise provided, as used in this Title:

(1) "Arterial street" means any U.S. or state numbered route, controlled-access roadway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways;

(2) "Authorized emergency vehicles" means:

(A) Vehicles of fire departments, fire patrols, game and fish law enforcement personnel, livestock board law enforcement personnel, brand inspectors, law enforcement agencies, public and private ambulances, medical rescue units and extrication rescue units;

(B) Privately-owned vehicles used by members of a fire department or emergency service organization while performing or traveling to perform assigned firefighting or emergency service duties are authorized emergency vehicles if:

(i) Authorized in writing by the appropriate governing body of the city, town or county in which the emergency services organization is located;



(ii) Equipped with at least one (1) flashing red, white or amber light visible from the front of the vehicle; and

(iii) Equipped with a marker on the front of the vehicle indicating the department or organization with which affiliated.

(3) "Bicycle" means every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels except scooters and similar devices;

(4) "Bus" means every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation;

(5) "Business district" means the territory contiguous to and including a highway when within any 600 feet along the highway where there are buildings in use for business or industrial purposes, including but not limited to hotels, banks or office buildings, railroad stations and public buildings, which buildings occupy at least 300 feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway;

(6) "Commission" means the Wyoming transportation commission;

(7) "Controlled-access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway;

(8) "Crosswalk" means:

(A) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline;

(B) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(9) "Department" or "highway department" means the department of transportation of the state of Wyoming;

(10) "Driver" means every person who drives or is in actual physical control of a vehicle;

(11) "Emergency services" means firefighting, first aid, medical services, rescue, transportation and other related activities necessary to ensure the health or safety of a person or property in imminent peril;

(12) "Explosives" means any chemical compounds, mixtures or devices, the primary or common purpose of which is to function by explosion, e.g., with substantially instantaneous release of gas and heat, unless the compounds, mixtures or devices are otherwise specifically classified. Explosives are classified as follows, commensurate with the degree of hazard:

(A) Class A -- detonating, or otherwise of maximum hazard, e.g. black powder;

(B) Class B -- rapid combustion rather than detonation, e.g. igniter;

(C) Class C -- minimum hazard, e.g. fireworks.

(13) "Farm tractor" means every motor vehicle designed and used exclusively as a farm implement for drawing implements of husbandry;

(14) "Flammable liquid" means any liquid which has a flash point below 100° F and has a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F;

(15) "Golf cart" means a motor vehicle which:

(A) Has not less than three wheels in contact with the ground;

(B) Has an unladen weight of less than 1,300 pounds;

(C) Is designed to be or is operated at not more than 15 miles per hour;

(D) Is designed to carry golf equipment and not more than four persons including the driver; and

(E) Is being used to transport an occupant directly to, or from or on a golf course, or is being used for special events or circumstances authorized by the city, town or county.

(16) "House trailer" means:

(A) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or

(B) A trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subsection (A) of this section, but which is used instead permanently or temporarily for advertising, sales display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(17) "Implement of husbandry" means a vehicle designed and used exclusively for agricultural operations and only incidentally operated or moved upon a highway;

(18) "Intersection" means:

(A) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(B) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highway shall be regarded as a separate intersection;

(C) The junction of an alley with a street or highway does not constitute an intersection.

(19) "Laned roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic;

(20) "Local authorities" means every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this state;

(21) "Metal tire" means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material;

(22) "Moped" means a motor-driven cycle both with foot pedals to permit muscular propulsion by human power and with a motor which produces no more than two brake horsepower and which is capable of propelling the vehicle at a maximum speed of no more than 30 miles per hour on a level road surface. If an internal combustion engine is used, the displacement shall not exceed more than 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the driver after the drive system is engaged;

(23) "Motorcycle" means any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, excluding off-road recreation vehicles as defined in W.S. § 31-1-101(a)(xv)(K), but including a motor vehicle designed as a recreational vehicle primarily for off-road use to be ridden astride and to travel on four wheels;

(24) "Motor-driven cycle" means any motorcycle, including motor scooters and motorized bicycles having an engine with less than 150 cubic centimeters displacement or with five brake horsepower or less;

(25) "Motor vehicle" means every vehicle which is self-propelled except vehicles moved solely by human power and golf carts as defined by this section;

(26) "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this Title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

(27) "Owner" means a person who holds the legal title of a vehicle or if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Title;

(28) "Park" when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading;

(29) "Pedestrian" means any person afoot;

(30) "Pedestrian vehicle" means any self-propelled conveyance designed, manufactured and intended for the exclusive use of persons with a physical disability, but in no case shall the vehicle exceed 48 inches in width.

(31) "Physical disability" means any bodily impairment which precludes a person from walking or otherwise moving about easily as a pedestrian;

(32) "Pneumatic tire" means every tire in which compressed air is designed to support the load;

(33) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily

used for transporting long or irregularly shaped loads as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections;

(34) "Police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations;

(35) "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons;

(36) "Railroad" means a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails;

(37) "Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(38) "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars;

(39) "Residence district" means the territory contiguous to and including a highway not comprising a business district when the property on the highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business;

(40) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other;

(41) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively;

(42) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

(43) "School bus" means every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of "Minimum Standards for School Buses" and is used to transport children to or from school, but not including buses operated by common carriers in urban transportation of school children;

(44) "Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle;

(45) "Sidewalk" means that portion of a street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians;

(46) "Snowmobile" means any mechanically driven vehicle of a type which utilizes sleet type runners, or skis or any endless belt tread or combination of these, designed primarily for operation over snow;

(47) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load;

- (48) "Stop" when required means complete cessation from movement;
- (49) "Stop, stopping or standing" when prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal;
- (50) "Street or highway" means the entire width between the boundary lines of every way publicly maintained or if not publicly maintained, dedicated to public use when any part thereof is open to the use of the public for purposes of vehicular travel;
- (51) "Superintendent" means the director of the department of transportation;
- (52) "Through highway" means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on the through highway in obedience to a stop sign, yield sign or other official traffic control devices, when the signs or devices are erected as provided in this Title;
- (53) "Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any highway for purposes of travel;
- (54) "Traffic-control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed;
- (55) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight and that of its load rests upon or is carried by another vehicle;
- (56) "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property;
- (57) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;
- (58) "Urban district" means the territory contiguous to and including any public street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more;
- (59) "Vehicle" means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks and except golf carts as defined by this section;
- (Prior Code 12-101, 12-501, 1978)

**7-5-130. Applicability of Provisions.** The provisions of this Title relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways and streets within the Town of Lusk. (Prior Code 12-201, 1978)

**7-5-140. Obedience to Authorized Persons Directing Traffic.** No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer,

authorized flagman, or fireman with authority to direct, control or regulate traffic. (Prior Code 12-105, 1978)

**7-5-150. Applicability to Drivers of Public Vehicles.**

(a) The provisions of this Title applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned and operated by the United States, this state, or any county, city, town, special district or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this Title with reference to authorized emergency vehicles.

(b) Unless specifically made applicable, the provisions of this Title except those contained in §§ 7-10-330, 7-10-390, and 7-10-400 do not apply to persons, motor vehicles and equipment while actually engaged in work upon a highway or streets, but shall apply to the persons and vehicles when traveling to or from work. (Prior Code 12-103, 1978)

**7-5-160. Authorized Emergency Vehicles.**

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may:

- (1) Park or stand, irrespective of the provisions of this Title;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the maximum speed limits so long as he does not endanger life or property;
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(b) This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall this section protect the driver from the consequences of his reckless disregard for the safety of others. (Prior Code 12-209)

**7-5-170. Persons riding Animals or Driving Animal-Drawn Vehicles.** Every person riding an animal or driving any animal-drawn vehicle upon a roadway is granted all the rights and is subject to all of the duties applicable to the driver of a vehicle by this Title except those provisions of this Title which by their very nature can have no application. (Prior Code 12-104, 1978)

**7-5-180. Right of Real Property Owners.**

(a) Nothing in this Title prevents the owner of real property used by the public for purposes of vehicular travel by permission of the owner, and not as matter of right, from prohibiting the use, or from requiring other or different or additional conditions than those specified in this Title, or otherwise regulating use of the real property as determined by the owner.

(b) With the approval of the Town Council the real property owner may reserve parking spaces for the handicapped and erect signs in accordance with § 7-25-100. The signs reserving parking spaces for the handicapped under this section shall be enforceable under W.S. § 31-5-501(c) or Town ordinance. (Prior Code 12-107, 1978)

#### **7-5-190. Operation of Motorcycles and Pedestrian Vehicles.**

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto and shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars, or obstructs his vision, or interferes with the operation of the motorcycle.

(d) No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

(e) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane.

(f) The operator of a motorcycle shall not overtake and pass any vehicle in the same lane occupied by the vehicle being overtaken.

(g) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(h) Subsections (f) and (g) of this section do not apply to police officers in the performance of their official duties.

(j) Motorcycles shall not be operated two or more abreast in a single lane.

(k) No person riding upon a motorcycle shall attach himself or the motorcycle to any other moving vehicle on a roadway. This does not prohibit attaching a motorcycle trailer or motorcycle semitrailer to a motorcycle if the trailer or semitrailer was designed for the attachment.

(m) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger.

(n) No person shall operate any motorcycle with handlebars so positioned that the hands of the operator, when upon the grips, are above shoulder height when the operator is sitting astride the vehicle seat with the vehicle in an upright position.

(o) No minor shall operate or ride nor shall the operator permit a minor to ride upon a motorcycle unless he is wearing protective headgear securely fastened on his head, and of a type which complies with standards established by the superintendent. This subsection does not apply to persons riding within an enclosed cab nor to persons operating or riding a moped. This subsection only applies to motorcycles used on public highways, streets and thoroughfares.

(p) Any person operating a motorcycle or pedestrian vehicle shall have the headlamps of the motorcycle or pedestrian vehicle activated at all times, including daylight hours.

(q) Operators of motorcycles operating in an officially authorized parade are exempt from subsections (e) through (o) of this section.

(r) Protective headgear shall meet or exceed the Z90.1-1971 standard of the American National Standards Institute. However, all existing equipment meeting the Z90.1-1966 standard of the American National Standards Institute shall be accepted.

(s) This section applies to motor-driven cycles unless otherwise provided.

(Prior Code 12-210, 1978)

**7-5-200. Obstruction to Driver's View or Driving Mechanism.**

(a) No person shall drive a vehicle when it is loaded, or when there are in the front seat enough people, exceeding three, to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. (Prior Code 12-212, 1978)

**7-5-210. Injurious Material on Highway.**

(a) Except in the process of highway construction or repair, any person who drops, or permits to be dropped or thrown, upon a highway any material shall immediately remove the material or cause it to be removed.

(b) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other substance dropped upon the highway from the vehicle. (Prior Code 12-108, 1978)

**7-5-220. Clinging to Vehicles.**

(a) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach it or himself to any vehicle upon a roadway.

(b) This section does not prohibit attaching a bicycle trailer or bicycle semitrailer to a bicycle if the trailer or semitrailer was designed for the attachment.

(c) No person operating a vehicle shall permit a passenger to ride on the fender or running board of the vehicle nor shall any passenger ride on the fender or running board of a vehicle. This subsection does not apply to a commercial vehicle or a vehicle operated by or for a political subdivision of this state designed to permit a passenger to ride on a fender or running board, such as a fire department or trash collection truck. (Prior Code 12-109, 1978)

**7-5-230. Driving upon Sidewalk.** No person shall drive any vehicle except motorized wheelchairs other than by human power upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (Adoption Ordinance, 2004)

**7-5-240. Opening and Closing Vehicle Doors.** No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (Adoption Ordinance, 2004)

**7-5-250. Riding in House Trailers.** No person shall occupy a house trailer while it is being towed upon a public highway. (Adoption Ordinance, 2004)

**7-5-260. Funeral Processions.**

(a) A funeral procession led by a funeral car or escorted by a police vehicle and displaying flashing lights authorized under W.S. § 31-5-928 has the right-of-way in the lane or portion of the roadway upon which it is traveling subject to the following:

(1) The driver of the lead vehicle of the procession shall comply with all traffic control devices except when otherwise directed by a law enforcement officer. Vehicles



in the procession displaying headlamps may follow the lead vehicle without stopping at stop signs or traffic signals. Vehicles in the procession shall yield the right-of-way to authorized emergency vehicles;

(2) Vehicles in a funeral procession shall be driven on the right-hand side of the roadway and, if a laned roadway, in the right-hand lane nearest the right-hand edge of the roadway.

(b) Drivers of oncoming vehicles are required to yield the right-of-way to funeral processions. (Adoption Ordinance, 2004)

**7-5-270. Off-road Vehicles.** No person shall operate an off-road recreational vehicle as defined in W.S. § 31-1-101(a)(xv)(K) upon public streets or highways except incidental operation upon a public street or highway located outside the limits of an incorporated municipality pursuant to agricultural operations as defined in W.S. § 31-18-801(a)(i). An off-road recreational vehicle operated upon a public street or highway is subject to the same equipment requirements under this Title as an implement of husbandry. (Adoption Ordinance, 2004)

**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 10**  
**OPERATION OF VEHICLES**

**Sections:**

7-10-100	Driving on Right Side of Roadway
7-10-110	Passing of Vehicle Approaching from Opposite Direction
7-10-120	Overtaking on the Left
7-10-130	General Limitations on Overtaking on the Left
7-10-140	Additional Limitations on Driving on the Left 7-
7-10-150	Overtaking on the Right
7-10-160	No-Passing Zones
7-10-170	One-Way Roadways
7-10-180	Driving on Roadways Laned for Traffic
7-10-190	Following Too Closely
7-10-200	Driving on Divided Highways
7-10-210	Driving Onto or From Controlled-Access Highways
7-10-220	Required Position and Method of Turning at Intersections
7-10-230	Limitations on Turning Around
7-10-240	Starting Parked Vehicle
7-10-250	Turning Movements and Required Signals
7-10-260	Signal Methods
7-10-270	Manner of Giving Hand and Arm Signals
7-10-280	Approaching or Entering Intersection
7-10-290	Turning Left at Intersection
7-10-300	Stop Signs and yield Signs
7-10-310	Entering or Crossing Roadway
7-10-320	Approach of Authorized Emergency Vehicles
7-10-330	Fleeing or Attempting to Elude Police Officers
7-10-340	Limitations on Backing
7-10-350	Loads on Vehicles
7-10-360	Coasting
7-10-370	Following Fire Apparatus
7-10-380	Driving Over Fire Hose
7-10-390	Careless Driving
7-10-400	Driving While Impaired by Intoxicating Liquor

**7-10-100. Driving on Right Side of Roadway.**

(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing the movement;

(2) When a stationary obstruction exists making it necessary to drive to the left of the center of the highway but any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(4) Upon a roadway designated and signposted for one-way traffic.

(b) Upon all roadways except one-way streets any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into an alley, private road or driveway.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under subsection (a)(2) of this section. This subsection does not prohibit the crossing of the center line in making a left turn into or from an alley, private road or driveway. (Prior Code 12-211, 1978)

**7-10-110. Passing of Vehicle Approaching from Opposite Direction.** Drivers of vehicles proceeding in opposite directions shall pass each other to the right and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible. (Prior Code 12-213, 1978)

**7-10-120. Overtaking on the Left.**

(a) The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle;

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (Prior Code 12-214, 1978)

**7-10-130. General Limitations on Overtaking on the Left.** No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite

direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle. (Prior Code 12-215, 1978)

**7-10-140. Additional Limitations on Driving on the Left.**

(a) No vehicle shall be driven on the left side of the roadway under the following conditions:

(1) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing unless otherwise indicated by official traffic-control devices;

(3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.

(b) Subsection (a) of this section does not apply:

(1) Upon a one-way roadway;

(2) Under the conditions described in § 7-10-100(a)(2);

(3) To the driver of a vehicle turning left into or from an alley, private road or driveway.

(Prior Code 12-218, 1978)

**7-10-150. Overtaking on the Right.**

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting the movement in safety. The movement shall not be made by driving off the roadway. (Prior Code 12-216, 1978)

**7-10-160. No-Passing Zones.**

(a) The Town Council may determine those portions of any highway within the Town where overtaking and passing or driving on the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when the signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(b) Where signs or markings are in place to define a no-passing zone as set forth in subsection (a) of this section no driver shall drive on the left side of the roadway within a no-passing zone or on the left side of any pavement striping designed to mark a no-passing zone throughout its length.

(c) This section does not apply under the conditions described in § 7-10-100(a)(2) nor to the driver of a vehicle turning left into or from any alley, private road or driveway. (Prior Code 12-217, 1978)

**7-10-170. One-way Roadways.** Upon a roadway designated for one-way traffic a vehicle shall be driven only in the direction designated at all or such times as indicated by official traffic-control devices. (Prior Code 12-207, 1978)

**7-10-180. Driving on Roadways Laned for Traffic.**

(a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety;

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when the center lane is clear of traffic within a safe distance, or in preparation for making or completing a left turn or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and the allocation is designated by official traffic-control devices;

(3) Official traffic-control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device;

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadways and drivers of vehicles shall obey the directions of every such device. (Prior Code 12-219, 1978)

**7-10-190. Following too Closely.**

(a) The driver of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic upon and the condition of the highway.

(b) The driver of any vehicle when traveling upon a roadway outside of a business or residence district, and which is following another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy the space without danger.

(c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions. (Prior Code 12-220, 1978)

**7-10-200. Driving on Divided Highways.** Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any dividing space, barrier or section except through an opening in the physical barrier

or dividing section or space or at a cross-over or intersection as established, unless specifically permitted by public authority. (Adoption Ordinance, 2004)

**7-10-210. Driving Onto or From Controlled-Access Highways.** No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority. (Prior Code 12-206, 1978)

**7-10-220. Required Position and Method of Turning at Intersections.**

(a) The driver of a vehicle intending to turn shall do so as follows:

(1) Right turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;

(2) Left turns: The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of the vehicle. Whenever practicable the left turn shall be made to the left of the center of the intersection and so as to leave the intersection or other location in the extreme left-hand lane lawfully available to traffic moving in the same direction as the vehicle on the roadway being entered;

(3) Two-way left turn lanes: Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic-control devices:

(A) A left turn shall not be made from any other lane;

(B) A vehicle shall not be driven in the lane except when preparing for making a left turn from or onto the roadway or when preparing for a U-turn when otherwise permitted by law.

(b) The highway department and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed and thereby require and direct that a different course from that specified in this section be traveled by turning vehicles and when the devices are so placed no driver shall turn a vehicle other than as directed and required by the devices. (Prior Code 12-222, 1978)

**7-10-230. Limitations on Turning Around.**

(a) The driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the movement can be made in safety and without interfering with other traffic.

(b) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet. (Prior Code 12-221, 223, 1978)

**7-10-240. Starting Parked Vehicle.** No person shall start a vehicle which is stopped, standing or parked unless and until the movement can be made with reasonable safety. (Adoption Ordinance, 2004)

**7-10-250. Turning Movements and Required Signals.**

(a) No person shall turn a vehicle or move right or left upon a roadway unless and until the movement can be made with reasonable safety nor without giving an appropriate signal in the manner provided by this section.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal required by this Title to the driver of any vehicle immediately to the rear when there is opportunity to give the signal.

(d) The signals required on vehicles by § 7-10-260(b) shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(e) No person shall drive a motor vehicle upon private or public property to gain access to another roadway for the purpose of avoiding a traffic-control device. (Prior Code 12-224, 1978)

#### **7-10-260. Signal Methods.**

(a) Any stop or turn signal when required under this Title shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (b) of this section.

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle and to any combination of vehicles. (Prior Code 12-225, 1978)

#### **7-10-270. Manner of Giving Hand and Arm Signals.**

(a) All signals required under this Title given by hand and arm shall be given from the left side of the vehicle in the following manner and the signals shall indicate as follows:

- (1) Left turn: Hand and arm extended horizontally;
- (2) Right turn: Hand and arm extended upward;
- (3) Stop or decrease speed: Hand and arm extended downward.

(Prior Code 12-226, 1978)

#### **7-10-280. Approaching or Entering Intersection.**

(a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.

(b) When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(c) The right-of-way rules declared in subsections (a) and (b) of this section are modified at through highways and otherwise as stated in this Title. (Prior Code 12-227, 1978)

**7-10-290. Turning Left at Intersection.** The driver of a vehicle intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. (Prior Code 12-228, 1978)

**7-10-300. Stop Signs and Yield Signs.**

(a) The Director of Public works, under the direction of the Chief of Police or Municipal Attorney, shall erect and maintain stop signs, yield signs or other traffic control devices to designate through streets or intersections at which vehicles on one or more of the roadways should yield or stop and yield before entering.

(b) Preferential right-of-way may be indicated by stop signs or yield signs as authorized in § 7-10-300(a).

(c) Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when the driver is moving across or within the intersection or junction of roadways. The driver shall yield the right-of-way to pedestrians within an adjacent crosswalk.

(d) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. The driver shall yield the right-of-way to pedestrians within an adjacent crosswalk. If the driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield the right-of-way. (Prior Code 12-229, 401, 1978)

**7-10-310. Entering or Crossing Roadway.** The driver of a vehicle about to enter or cross a roadway from any place other than another roadway shall yield the right-of-way to all vehicles approaching on the roadway to be entered or crossed. (Prior Code 12-230, 1978)

**7-10-320. Approach of Authorized Emergency Vehicles.**

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual signals meeting the requirements of W.S. § 31-5-928 and 31-5-952, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. When an authorized emergency vehicle making use of any visual signals provided for in W.S. § 31-5-928(d) is parked, the driver of every other vehicle, as soon as it is safe:

(1) When driving on an interstate highway or other highway with two or more lanes traveling in the direction of the emergency vehicle, shall merge into the lane



farthest from the emergency vehicle, except when otherwise directed by a police officer;

(2) When driving on a two lane road, slow to speed that is 20 miles per hour less than the posted speed limit, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Prior Code 12-231, 1978)

**7-10-330. Fleeing or Attempting to Elude Police Officers.** Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, is guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving the signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle. (Adoption Ordinance, 2004)

**7-10-340. Limitations on Backing.**

(a) The driver of a vehicle shall not back the vehicle unless the movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle shall not back the vehicle upon any shoulder or roadway of any controlled-access highway. (Prior Code 12-203, 1978)

**7-10-350. Loads on Vehicles.** No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. This section does not prohibit the necessary spreading of any substance in highway maintenance or construction operations. (Adoption Ordinance, 2004)

**7-10-360. Coasting.**

(a) The driver of any motor vehicle when traveling upon a downgrade shall not coast with the gears or transmission of the vehicle in neutral.

(b) The driver of a truck or bus when traveling upon a downgrade shall not coast with the clutch disengaged. (Prior Code 12-233, 1978)

**7-10-370. Following Fire Apparatus.** The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop the vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm. (Prior Code 12-234, 1978)

**7-10-380. Driving Over Fire Hose.** No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command. (Prior Code 12-235, 1978)

**7-10-390. Careless Driving.** Any person who drives a motor vehicle upon a street, alley, or highway of the Town of Lusk in a careless or heedless manner so as to endanger the person or property of another shall be guilty of careless driving. (Prior Code 12-241, 1978)

**7-10-400. Driving While Impaired by Intoxicating Liquor.**

(a) It shall be a misdemeanor for any person to drive, operate or be in physical control of any vehicle in this Town while such person's ability to drive or operate a vehicle is impaired by the consumption of alcohol.

(b) In any criminal prosecution for a violation of subsection (a) of this section, the amount of alcohol in the defendant's blood at the time of commission of the alleged offense or within a reasonable time thereafter, shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance, shall give rise to the following presumptions:

(1) If there was at such times 0.05 % or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to drive or operate a vehicle was not impaired by the consumption of alcohol.

(2) If there was at such time an excess of 0.05 % by weight of alcohol in the defendant's blood, it shall be presumed that the defendant's ability to drive or operate a vehicle was impaired by the consumption of alcohol.

(c) The foregoing provisions of subsection (b) shall not be construed as limiting the introduction, reception or consideration of any other competent evidence bearing upon the question of whether or not the defendant's ability to drive or operate a vehicle was impaired by the consumption of alcohol.

(d) Any person cited for a violation of this ordinance must appear before the Municipal Judge of the Town of Lusk at the time set in the citation. Bail is not forfeitable by such person to avoid prosecution. (Prior Code 12-236, 1978)

**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 15**  
**SPEED REGULATIONS**

**Sections:**

7-15-100	Maximum Speed Limits
7-15-110	Charging Violations
7-15-120	Motor Driven Cycles

**7-15-100. Maximum Speed Limits.**

(a) No person shall drive a vehicle on a street in the Town of Lusk limits at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Every driver shall drive at a safe and appropriate speed when special hazards exist with respect to pedestrians or other traffic or by reason of weather or street conditions.

(b) Except when a special hazard exists that requires a lower speed for compliance with subsection (a) of this section, the limits specified in this subsection or established as otherwise authorized shall be maximum lawful speeds and no person shall drive a vehicle on a street at a speed in excess of the maximum limits:

**25 miles per hour on all streets in the Town of Lusk unless otherwise posted.**

(c) The Chief of Police of the Town of Lusk may determine different speed limits for particular streets or areas, which limits may be greater or lesser than the speeds established herein above. Any different speed limits shall be posted by signs indicating the determined limit. Any such determination and posting may be made without amendment to this Ordinance. (Amended July, 2024)

**7-15-110. Charging Violations.** In every charge of violation of any speed regulation in this Title except a charge under § 7-15-100(a), the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location. (Adoption Ordinance, 2004)

**7-15-120. Motor Driven Cycles.** No person shall operate any motor driven cycle at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet at a speed greater than 35 miles per hour unless such motor driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead. (Prior Code 12-239, 1978)

**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 20**  
**TRAFFIC CONTROL DEVICES**

**Sections:**

7-20-100	Obedience to Devices; Exceptions
7-20-110	Signal Legend
7-20-120	Pedestrian-Control Signals
7-20-130	Flashing Signals
7-20-140	Display of Unauthorized Signs; Advertising on Traffic Signs
7-20-150	Defacing Devices

**7-20-100. Obedience to Devices; Exceptions.**

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed or held in accordance with this Title unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Title.

(b) No provision of this Title for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, the section is effective even though no signs are erected or in place.

(c) Whenever official traffic-control devices are placed or held in position approximately conforming to the requirements of this Title, the devices are presumed to have been so placed or held by the official act or direction of lawful authority unless the contrary is established by competent evidence.

(d) Any official traffic-control device placed or held pursuant to the provisions of this Title and purporting to conform to the lawful requirements pertaining to the devices is presumed to comply with the requirements of this Title unless the contrary is established by competent evidence. (Prior Code 12-301, 1978)

**7-20-110. Signal Legend.**

(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a symbol or word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

(A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign prohibits either turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to



other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited;

(B) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by the arrow, or such other movement as is permitted by other indicators shown at the same time. The vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

(C) Unless otherwise directed by a pedestrian-control signal, as provided by § 7-20-120, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication:

(A) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter;

(B) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided by § 7-20-120, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication:

(A) Vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsection (C) of this section;

(B) Vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication permitting the movement indicated by the red arrow is shown except as provided by subsection (C) of this section;

(C) Except when a sign is in place prohibiting a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street after stopping as required by subsections (A) and (B) of this section. The vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection;

(D) Unless otherwise directed by a pedestrian-control signal as provided by § 7-20-120, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

(b) If an official traffic-control signal is erected and maintained at a place other than an intersection, this section is applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement

indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal. (Prior Code 12-302, 1978)

**7-20-120. Pedestrian-Control Signals.**

(a) Whenever special pedestrian-control signals exhibiting the symbols or words "Walk" or "Don't Walk" are in place the signals shall indicate as follows:

(1) Flashing or steady walk: Any pedestrian facing the signal may proceed across the roadway in the direction of the signal and every driver of a vehicle shall yield the right-of-way to him;

(2) Flashing or steady don't walk: No pedestrian shall start to cross the roadway in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk signal is showing. (Prior Code 12-303, 1978)

**7-20-130. Flashing Signals.**

(a) Whenever an illuminated flashing red or yellow signal is used with or in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) Flashing Red (Stop Signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed is subject to the rules applicable after making a stop at a stop sign;

(2) Flashing Yellow (Caution Signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signal only with caution.

(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules provided by § 7-25-170 of this Title. (Prior Code 12-304, 1978)

**7-20-140. Display of Unauthorized Signs; Advertising on Traffic Signs.**

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any official traffic-control device bearing thereon any commercial advertising except for business signs included as a part of official motorist service panels or roadside information panels approved by the highway department.

(c) This section does not prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every prohibited sign, signal or marking is a public nuisance and the authority having jurisdiction over the highway may remove the same or cause it to be removed without notice. (Prior Code 12-305, 1978)

**7-20-150. Defacing Devices.** No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any part thereof.  
(Prior Code 12-306, 1978)

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**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 25**  
**STOPPING, STANDING, PARKING**

**Sections:**

7-25-100	Handicapped Parking
7-25-110	Specific Places Where Prohibited
7-25-120	Roadways Outside of Business or Residence Districts
7-25-130	Emerging from Alley, Building, Private Road or Driveway
7-25-140	Meeting or Passing Stopped School Bus
7-25-150	Removal of Illegally Stopped Vehicles
7-25-160	Leaving Motor Vehicle Unattended
7-25-170	Railroad Crossings
7-25-180	Stopping Requirements for Certain Vehicles at Railroad Crossings
7-25-190	Parking Alongside Curbs or on Edge of Roadways.
7-25-200	Enforcement of Parking Regulations
7-25-210	Truck and Wide Vehicle Parking

**7-25-100. Handicapped Parking.**

(a) Signs reserving parking spaces for the handicapped in public places under the jurisdiction of the Town of Lusk or placed on private property by the real property owner pursuant to § 7-5-180 of this Title shall be constructed of durable material, contain the international symbol of accessibility, be no less than 12 inches by 18 inches in size and be placed above ground level so as to be visible at all times and not be obscured by a vehicle parked in that space. Parking spaces for the handicapped shall be located on the shortest possible accessible circulation route to an accessible entrance of the building. In public parking lots of 10 or more parking spaces, at least 2% of the total number of available parking spaces but not less than one space shall be reserved for the handicapped. Handicapped parking spaces shall allow easy entrance and exit for wheelchairs and be located on a level surface.

(b) The signs specified under this section and § 7-5-180 shall be official signs and it is unlawful for any person to willfully park a vehicle in violation of the restrictions, regulations or prohibitions stated on the signs. This subsection shall not prohibit use of handicapped parking spaces provided under subsection (a) of this section by a person issued a distinctive handicapped license plate or transferable identification card by another state and displaying the plate or card on a vehicle used by this person. (Prior Code 12-402(c), 1978)

**7-25-110. Specific places where prohibited.**

(a) Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:

- (A) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (B) On a sidewalk;
- (C) Within an intersection;
- (D) On a crosswalk;
- (E) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (F) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (G) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (H) On any railroad tracks;
- (J) On any controlled-access highway;
- (K) In the area between roadways of a divided highway, including crossovers;
- (M) At any place where official traffic-control devices prohibit stopping.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- (A) In front of a public or private driveway;
- (B) Within 15 feet of a fire hydrant;
- (C) Within 20 feet of a crosswalk at an intersection;
- (D) Within 20 feet upon the approach to any flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
- (E) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted;
- (F) At any place where official traffic-control devices prohibit standing.

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

- (A) Within 50 feet of the nearest rail of a railroad crossing;
- (B) At any place where official traffic-control devices prohibit parking.

(b) No person shall move a vehicle not lawfully under his control into any prohibited area or away from a curb such a distance as is unlawful. (Prior Code 12-402, 1978)

(4) No person shall park a vehicle, whether occupied or not, for longer than the time indicated in places where parking is allowed for limited periods of time only as marked by official parking signs. Violations of this sub-section shall be punishable by a Twenty (\$20.00) Dollar fine which shall include court costs. (Amended July 2008)

#### **7-25-120. Roadways Outside of Business or Residence Districts.**

(a) Outside a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park or so leave the vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicles shall be available for a distance of two hundred (200) feet in each direction upon the highway.

(b) This section and § 7-25-110 do not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in that position. (Prior Code 12-403, 1978)

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**7-25-130. Emerging from Alley, Building, Private Road or Driveway.** The driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or if there is no sidewalk area, shall stop at a point nearest the street to be entered where the driver has a view of approaching traffic thereon. (Prior Code 12-404, 1978)

**7-25-140. Meeting or Passing Stopped School Bus.**

(a) The driver of a vehicle upon meeting or overtaking from either direction any stopped school bus shall stop before reaching the school bus when there is in operation on the school bus the flashing red lights as specified in W.S. § 31-5-929 and the driver shall not proceed until the school bus resumes motion or the flashing red lights are no longer actuated.

(b) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to the highway and where pedestrians are not permitted to cross the roadway. (Prior Code 12-205, 1978)

**7-25-150. Removal of Illegally Stopped Vehicles.**

(a) Whenever any police officer finds a vehicle in violation of § 7-25-120, the officer may move the vehicle, or require the driver or other person in charge of the vehicle to move the vehicle, to a position off the roadway.

(b) Any police officer may remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in any tunnel, in a position or under circumstances which obstruct the normal movement of traffic.

(c) Any police officer may remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

(1) Report has been made that the vehicle has been stolen or taken without the consent of its owner;

(2) The person in charge of the vehicle is unable to provide for its custody or removal; or

(3) When the person driving or in control of the vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper judge without unnecessary delay. (Adoption Ordinance, 2004)

**7-25-160. Leaving Motor Vehicle Unattended.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. (Prior Code 12-405, 1978)

**7-25-170. Railroad Crossings.**

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of the vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(2) A crossing gate is lowered or a flagman gives or continues to give a signal of the approach or passage of a railroad train;

(3) A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and the railroad train, by reason of its speed or nearness to the crossing, is an immediate hazard;

(4) An approaching railroad train is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed. (Prior Code 12-406, 407, 1978)

#### **7-25-180. Stopping Requirements for Certain Vehicles at Railroad Crossings.**

(a) The driver of any motor vehicle carrying passengers for hire, or of any school bus whether empty or carrying school children, or of any vehicle carrying a cargo or part of a cargo required to be placarded under United States department of transportation regulations, before crossing at grade any track or tracks of a railroad, shall:

(1) Actuate the vehicle's four-way hazard flashers prior to stopping at the grade crossing;

(2) Stop the vehicle within 50 feet but not less than 15 feet from the nearest rail of the railroad;

(3) While stopped, listen and look in both directions along the track for any approaching train and for signals indicating the approach of a train and not proceed until he can do so safely;

(4) Upon proceeding, cross the tracks without manually shifting gears and only in a gear of the vehicle which does not require manually changing gears while traversing the crossing; and

(5) After crossing the tracks, cancel the four-way hazard flashers.

(b) Except for school buses which will stop at all railroad crossings, this section shall not apply at:

(1) Any railroad grade crossing at which traffic is controlled by a police officer or flagman;

(2) Any railroad grade crossing at which traffic is regulated by a traffic-control signal;

(3) Any railroad grade crossing protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(4) Any railroad grade crossing at which an official traffic-control device gives notice that the stopping requirement imposed by this section does not apply.

(Prior Code 12-408, 1978)

#### **7-25-190. Parking Alongside Curbs or on Edge of Roadways.**

(a) Except as otherwise provided in this section every vehicle stopped or parked upon a two-way roadway shall be stopped or parked with the right-hand wheels of the vehicle parallel to and within 18 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(b) Except as otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 18 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 18 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder. (Prior Code 12-202, 1978)

#### **7-25-200. Enforcement of Parking Regulations.**

(a) The Police Department of the Town of Lusk is authorized and directed to enforce posted parking regulations in those areas within the corporate limits of the Town of Lusk as follows:

(1) When requested by owners of real property used by the general public for public parking.

(2) When requested by public boards regulating parking and vehicular traffic on public lands under their supervision and control.

(b) Violations of the parking regulations promulgated by the respective person, firm or board, which regulations are clearly posted by signs prohibiting, regulating or restricting parking, shall be cited to the Lusk Municipal Court or such other court of competent jurisdiction over Town ordinances. The penalty for violations of this ordinance shall be as provided in the "General Penalty Ordinance" § 2-35-100, Lusk Municipal Code. Forfeitable bond amounts shall be in conformance with the existing bond schedule for parking violations in the Town of Lusk.

(c) Requests for enforcement under this subsection shall be in writing and signed by the person authorized by the owner or public board, and shall be kept on file in the Office of the Town Clerk for the Town of Lusk. (Ord. 12-402(d), 1994; prior Code 12-402(d), 1978)

#### **7-25-210. Truck and Wide Vehicle Parking.**

(a) Unlawful Parking. It shall be unlawful for any person to park any truck tractor (bobtail) or any semi-trailer, as those terms are normally used, in a residential zone within the Town of Lusk. "Residential" means those areas designated as "Residential" on the official zoning map of the Town of Lusk, Wyoming, including the R-L, R-G and R-M districts.

(b) Exceptions. The following exceptions to this ordinance shall apply:

(1) The truck tractor (bobtail) alone may be parked on streets in residential areas where the street is 40 feet or wider as measured from the inside of the curb (i.e. street side). Parking shall be adjacent to the operator's property only and shall not obstruct the flow of traffic and shall not inhibit the parking of vehicles by other residents immediately adjacent to their residences and shall not violate any other restrictions or provisions of this or other ordinances pertaining to parking. Engine warm-up time between the hours of 9:00 p.m. and 6:00 a.m. shall be restricted to a total of 30 minutes.

(2) The tractor-trailer combination may be parked on streets which are 40 feet or wider not to exceed two hours in a 24 hour period, provided that such parking shall be adjacent to the operator's property only and shall not obstruct the flow of traffic and shall not inhibit the parking of vehicles by other residents immediately adjacent to their residences and shall not violate any other restrictions or provisions of this or other

ordinances pertaining to parking. Parking "oversize" loads is, however, strictly prohibited and excluded from this exception.

(3) Truck tractors (bobtail) only may be parked on the operator's private property (i.e. off street). Engine warm-up time between the hours of 9:00 p.m. and 6:00 a.m. shall be restricted to a total of 30 minutes.

(4) Temporary commercial activity at a site adjacent to the location of the parking which activity is directly related to the use of the parked vehicle. For this purpose the term "commercial activity" is limited to the loading or unloading of moving vans, delivery trucks making deliveries or such construction activity at the site which requires use of the parked vehicle. Such parking shall cease upon completion of the activity and shall not obstruct the flow of traffic and shall not inhibit the parking of vehicles by other residents immediately adjacent to their residences and shall not violate any other restrictions or provisions of this or other ordinances pertaining to parking.

(5) In areas where a street separates a "residential zone" from a "business commercial or industrial zone," parking shall be allowed on the "business, commercial or industrial zone" side of said street, provided that said vehicle is parked in the direction of traffic and does not obstruct the flow of traffic and shall not inhibit the parking of vehicles by other residents immediately adjacent to their residences and shall not violate and other restrictions or provision of this or other ordinances pertaining to parking.

(c) Other Areas. Parking of any vehicles as may be deemed hazardous or unsafe to traffic may also be prohibited in any area within the Town of Lusk as may be determined by the Chief of Police. Other areas may be posted "No Parking" as determined by the governing body of the Town of Lusk.

(d) Enforcement and Penalty. Any vehicle parked in violation of this ordinance shall be towed and impounded and the owner shall pay the towing charge and storage fee plus fine and court cost as determined by the court before the vehicle is returned to possession of the owner. (Ord. 7-25-210, 2007)

**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 30**  
**PEDESTRIAN RIGHTS AND DUTIES**

**Sections:**

7-30-100	Obedience to Traffic-Control Devices
7-30-110	Right-of-Way in Crosswalks
7-30-120	Crossing at Other Than Crosswalks
7-30-130	Use of Right Half of Crosswalks
7-30-140	Walking Along Roadways or Highways
7-30-150	Soliciting Rides
7-30-160	Drivers to Exercise Due Care
7-30-170	Driving Through or Within Safety Zone
7-30-180	Right-of-Way on Sidewalks
7-30-190	Yielding of Right-of-Way to Authorized Emergency Vehicles
7-30-200	Blind Pedestrian Right-of-Way
7-30-210	Pedestrians Under Influence of Alcohol or Controlled Substances
7-30-220	Passing Through Railroad Crossing Gate or Barrier

**7-30-100. Obedience to Traffic-Control Devices.**

(a) A pedestrian shall obey the instructions of any official traffic-control device specifically applicable to him unless otherwise directed by a police officer.

(b) Pedestrians are subject to traffic-control signals at intersections as provided by the provisions of Chapter 20 of this Title.

(c) At all other places pedestrians shall be accorded the privileges and are subject to the restrictions stated in this Title. (Prior Code 12-601, 1978)

**7-30-110. Right-of-Way in Crosswalks.**

(a) When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way by slowing down or stopping if need be to yield, to any pedestrian within or entering a crosswalk at either edge of the roadway.

(b) When traffic-control signals are not in place or not in operation at a school crosswalk, the driver of a vehicle shall yield the right-of-way to any pedestrian within or entering a school crosswalk at either edge of the roadway by slowing down or stopping.

(c) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(d) Subsection (a) of this section does not apply under the conditions stated in § 7-30-120.

(e) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any



other vehicle approaching from the rear shall not overtake and pass the stopped vehicle. (Prior Code 12-602, 1978)

**7-30-120. Crossing at Other Than Crosswalks.**

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices. When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to the crossing movements. (Prior Code 12-603, 1978)

**7-30-130. Use of Right Half of Crosswalks.** Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (Prior Code 12-604, 1978)

**7-30-140. Walking Along Roadways or Highways.**

(a) Where a sidewalk is provided and its use is practicable it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction as far as practicable from the edge of the roadway.

(c) Except as otherwise provided in this Title, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway. (Prior Code 12-605, 1978)

**7-30-150. Soliciting Rides.**

(a) No person shall be on a highway for the purpose of soliciting a ride, employment, business or contributions from the occupant of any vehicle. This subsection does not apply to persons attempting to obtain assistance for disabled vehicles.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway. (Prior Code 12-606, 1978)

**7-30-160. Drivers to Exercise Due Care.** Notwithstanding other provisions of this Title, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian or any person propelling a human powered vehicle and shall give an audible signal when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person. (Prior Code 12-607, 1978)

**7-30-170. Driving Through or Within Safety Zone.** No vehicle shall at any time be driven through or within a safety zone. (Adoption Ordinance, 2004)

**7-30-180. Right-of-Way on Sidewalks.** The driver of a vehicle crossing a sidewalk shall yield the right-of-way to any pedestrian and all other traffic on the sidewalk. (Adoption Ordinance, 2004)

**7-30-190. Yielding of Right-of-Way to Authorized Emergency Vehicles.**

(a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of W.S. § 31-5-952 and visual signals meeting the requirements of W.S. § 31-5-928, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right-of-way to the authorized emergency vehicle. (Amended Ordinance 2008; Prior Ordinance 2004)

**7-30-200. Blind Pedestrian Right-of-Way.** The driver of a vehicle shall yield the right-of-way to any blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog. (Adoption Ordinance, 2004)

**7-30-210. Pedestrians Under Influence of Alcohol or Controlled Substances.** A pedestrian who is under the influence of alcohol or any controlled substance to a degree which renders himself a hazard shall not walk or be upon a highway. (Adoption Ordinance, 2004)

**7-30-220. Passing Through Railroad Crossing Gate or Barrier.** No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed. (Adoption Ordinance, 2004)

**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 35**  
**BICYCLES**

**Sections:**

7-35-100	Parental Responsibility
7-35-110	General Rights and Duties of Riders
7-35-120	Number of Riders
7-35-130	Riding on Roadways and Designated Paths
7-35-140	Carrying Articles
7-35-150	Lamps and Other Equipment
7-35-160	Riding on Sidewalk Prohibited

**7-35-100. Parental Responsibility.** The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any provision of this Title. (Prior Code 5-109, 1978)

**7-35-110. General Rights and Duties of Riders.** Every person propelling a vehicle by human power or riding a bicycle has all of the rights and all of the duties applicable to the driver of any vehicle under this Title, except as to special regulations in this Title and except as to those provisions which by their nature can have no application. (Adoption Ordinance, 2004)

**7-35-120. Number of Riders.** No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped except that an adult rider may carry a child securely attached to his person in a backpack or sling. (Adoption Ordinance, 2004)

**7-35-130. Riding on Roadways and Designated Paths.**

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use the path and shall not use the roadway. (Adoption Ordinance, 2004)

**7-35-140. Carrying Articles.** No person operating a bicycle shall carry any package, bundle or article which prevents the use of both hands in the control and operation of the

bicycle. A person operating a bicycle shall keep at least one hand upon the handle bars at all times. (Adoption Ordinance, 2004)

**7-35-150. Lamps and Other Equipment.**

(a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the highway department which shall be visible from 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) A bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to stop the bicycle within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement. (Adoption Ordinance, 2004)

**7-35-160. Riding on Sidewalk Prohibited.** No bicycle shall be ridden on the sidewalk within the business section of said Town and no person over 10 years of age shall ride a bicycle on any sidewalk within the said Town. (Prior Code 5-103, 1978)

**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 40**  
**SNOWMOBILES**

**Sections:**

- 7-40-100      Operation on Highways
- 7-40-110      Operation

**7-40-100. Operation on Highways.** Snowmobiles may be operated upon the highways of Wyoming subject to the following conditions:

(a) Snowmobiles may be operated within the right-of-way but not on the main traveled roadway except as provided hereafter.

(b) Crossings of streets or highways shall be made at right angles to the roadway or as nearly so as practicable, but in any case yielding the right-of-way to all traffic in the main-traveled roadway, and in compliance with the following:

(1) Crossing shall be at a place where no obstruction prevents a quick and safe crossing.

(2) The snowmobile shall be brought to a complete stop before crossing the shoulder or main traveled way of the highway.

(3) In crossing a divided highway, the crossing is made only at the intersection of such highways with another public street or highway. (Prior Code 12-502(g), 1978)

**7-40-110. Operation.** It shall be unlawful for any person to drive or operate any snowmobile at any place within the Town of Lusk in the following ways or under the following circumstances:

(a) At a rate of speed greater than reasonable or proper under all surrounding circumstances.

(b) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage to such person or property.

(c) While under the influence of intoxicating liquor or narcotics or habit forming drugs.

(d) Without a lighted head lamp and tail lamp when required for safety.

(e) In any planting area in a manner which damages or destroys growing stock.

(f) Without a muffler in good working order and connected to the snowmobile exhaust system.

(g) While towing a sled, toboggan or other object, except with solid hitch.

(h) If the operator does not hold a valid, current Wyoming driver's license or is not accompanied by a licensed driver who is actually occupying a seat in the snowmobile while such snowmobile is being operated upon the roadway, shoulder or inslope of any road, street, highway or alley in the municipality.

(j) Abreast of another snowmobile upon any street, alley or highway.

- (k) Between the hours of 10 p.m. and 7 a.m.
  - (m) In any municipal park or recreation area controlled by the municipality, except when posted as “open” to snowmobiles and within the hours permitted.
  - (n) Upon private property other than that of the snowmobile owner or operator without express permission of the owner.
  - (o) While carrying a bow or firearm unless the same is securely encased.
  - (p) Leaving or allowing a snowmobile to be or remain unattended on public property, streets, highways or other public grounds or places while the motor is running or with keys to start such snowmobile in the ignition switch.
  - (q) Without observing all traffic signs, signals, rules and regulations applying to motor vehicles.
  - (r) Upon any road, street or highway in the municipality kept open for vehicular traffic, except:
    - (1) During a period of emergency when travel by conventional automatic equipment is not possible.
    - (2) For a special snowmobile event of limited duration when conducted on a prearranged schedule under permit from the governing body.
    - (3) In crossing a street as provided in subsection of this section.
    - (4) On streets or roads not maintained for winter vehicular travel.
    - (5) On streets closed to wheeled vehicular traffic.
    - (6) Within the right-of-way but not on the main traveled roadway.
- (Prior Code 12-502, 1978)

**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 45**  
**EQUIPMENT**

**Sections:**

7-45-100	General Requirements
7-45-110	Lighted Lamps and Illuminating Devices
7-45-120	Visibility Distance
7-45-130	Head Lamps
7-45-140	Tail Lamps
7-45-150	Rear Reflectors
7-45-160	Stop Lamps; Electric Turn Signal Lamps
7-45-170	Color of Lighting Devices
7-45-180	Lamps, Reflectors and Flags on Projecting Loads
7-45-190	Farm and Other Vehicles; Slow Moving Vehicle Emblems
7-45-200	General Braking Requirements
7-45-210	Mufflers
7-45-220	Windshields and Wipers
7-45-230	Pedestrian Vehicles
7-45-240	Required Safe Mechanical Condition

**7-45-100. General Requirements.**

(a) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle, as defined by § 7-5-120, or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this Title, or which is equipped in any manner in violation of this Title, or for any person to do any act forbidden or fail to perform any act required under this Title.

(b) Nothing contained in this Title shall prohibit equipment required by the United States Department of Transportation nor the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this Title.

(c) Except where specifically made inapplicable, the provisions of this Chapter also shall apply to vehicles moved solely by human power, motorcycles, motor-driven cycles, mopeds, implements of husbandry, highway construction machinery or farm tractors.  
(Adoption Ordinance, 2004)

**7-45-110. Lighted Lamps and Illuminating Devices.** Every vehicle upon a street or highway within the Town at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of

1,000 feet ahead shall display lighted head and other lamps and illuminating devices as respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles. Stop lights, turn signals and other signaling devices, if required for the vehicle, shall be lighted as prescribed for those devices. (Adoption Ordinance, 2004)

**7-45-120. Visibility Distance.** Whenever a requirement is declared by this Chapter as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the provisions apply in respect to a vehicle when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated. (Adoption Ordinance, 2004)

**7-45-130. Head Lamps.**

(a) A motor vehicle, other than those listed in 7-45-100(c), shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps comply with the regulations of the superintendent.

(b) A motorcycle, motor-driven cycle or moped shall be equipped with at least one head lamp. (Adoption Ordinance, 2004)

**7-45-140. Tail Lamps.**

(a) A motor vehicle, other than those listed in 7-45-100(c), trailer, semitrailer, pole trailer or any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which shall comply with the regulations of the superintendent. A motorcycle, motor-driven cycle or moped shall be equipped with at least one tail lamp.

(b) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate of all vehicles listed in subsection (a) of this section. (Adoption Ordinance, 2004)

**7-45-150. Rear Reflectors.** Every motor vehicle, trailer, semitrailer, pole trailer or other vehicle which is being drawn at the end of a combination of vehicles shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors complying with the regulations of the superintendent. Motorcycles, motor-driven cycles, mopeds, or bicycles shall carry on the rear at least one red reflector. (Adoption Ordinance, 2004)

**7-45-160. Stop Lamps; Electric Turn Signal Lamps.**

(a) Every motor vehicle, except those listed in § 7-45-100(c), trailer, semitrailer, pole trailer or other vehicle which is being drawn at the end of a combination of vehicles shall be equipped with two or more stop lamps. Every motorcycle, motor-driven cycle or moped shall be equipped with at least one stop lamp.

(b) Every motor vehicle, except those listed in § 7-45-100(c), trailer, semitrailer, pole trailer or other vehicle which is being drawn at the end of a combination of vehicles shall be equipped with electrical flashing turn signals, except that passenger cars and trucks less than 80 inches in width, manufactured or assembled prior to January 1, 1953, need not be equipped with electric turn signal lamps. (Adoption Ordinance, 2004)



**7-45-170. Color of Lighting Devices.** All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a backup lamp shall be white. (Adoption Ordinance, 2004)

**7-45-180. Lamps, Reflectors and Flags on Projecting Loads.** Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of the vehicle there shall be displayed at the extreme rear end of the load, at the times specified in § 7-45-110, two red lamps, two red reflectors located so as to indicate maximum width, and on each side one red lamp located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear, red or fluorescent orange flags, not less than 12 inches square, marking the extremities of the load, at each point where a lamp would otherwise be required by this section. (Adoption Ordinance, 2004)

**7-45-190. Farm and Other Vehicles; Slow Moving Vehicle Emblems.**

(a) Every vehicle, including animal-drawn vehicles and vehicles not specifically required by other provisions of this Title to be equipped with lamps or other lighting devices, shall at the times specified in § 7-45-110 be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle and shall also be equipped with two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances within 600 feet to the rear when illuminated by the lawful lower beams of head lamps.

(b) Every farm tractor and every self-propelled implement of husbandry manufactured or assembled after January 1, 1974, shall at all times, and every other such motor vehicle shall at all times mentioned in § 7-45-110, be equipped with lamps and reflectors as follows:

- (1) At least two head lamps.
- (2) At least one red lamp visible when lighted from a distance of not less than 1,000 feet to the rear mounted as far to the left of the center of the vehicle as possible;
- (3) At least two red reflectors visible from all distances within 600 feet to the rear when directly in front of lawful lower beams of head lamps.

(c) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry and special mobile equipment designed for operation at speeds not in excess of 25 miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (d) of this section.

(d) Every combination of farm tractor and towed farm equipment or towed implement of husbandry or units towed by special mobile equipment normally operating at speeds not in excess of 25 miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

- (1) Where the towed unit or any load thereon obscures the slow moving vehicle emblem on the towing unit, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem;

(2) Where the slow moving vehicle emblem on the towing unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(e) No person shall use the slow moving vehicle emblem except as required in this section nor display the emblem on a vehicle traveling at a speed in excess of 25 miles per hour nor on a stationary object along a street or highway. (Adoption Ordinance, 2004)

#### **7-45-200. General Braking Requirements.**

(a) Every motor vehicle and every combination of vehicles shall have a service braking system which will stop the vehicle or combination within 40 feet from an initial speed of 20 miles per hour on a level, dry, smooth, hard surface or within such shorter distance as may be specified by the superintendent.

(b) Every motor vehicle and combination of vehicles, excluding motorcycles, motor-driven cycles and mopeds, shall have a parking brake system adequate to hold the vehicle or combination on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material. (Adoption Ordinance, 2004)

#### **7-45-210. Mufflers.**

(a) Every vehicle shall be equipped, maintained and operated so as to prevent excessive or unusual noise. Every motor vehicle shall at all times be equipped with a muffler or other effective noise suppressing system in good working order and in constant operation. No person shall use a muffler cut-out, bypass or similar device.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(c) This section also applies to motorcycles, motor-driven cycles and mopeds. (Adoption Ordinance, 2004)

#### **7-45-220. Windshields and Wipers.**

(a) No person shall drive any motor vehicle with any sign, poster or other material or substance upon or crack within the front windshield, side or rear windows of the vehicle which materially obstructs, obscures or impairs the driver's clear view of the highway or any intersecting highway.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) Every motor vehicle shall be equipped with a windshield and a windshield wiper which shall be maintained in good working order. (Adoption Ordinance, 2004)

**7-45-230. Pedestrian Vehicles.** Every pedestrian vehicle operated upon a highway shall be equipped with the following equipment:

(a) A horn.

(b) At least one headlamp of either a single-beam or multiple-beam type which shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when operated at any speed less than 25 miles per hour.

(c) Two tail lamps which shall be so wired as to be lighted whenever the headlamp is lighted and which, when lighted, shall emit a red light plainly visible from a distance of at least 100 feet to the rear.

(d) Rear stop lamps and turn signals.

(e) A brake.

(f) A reflectorized flag mounted in a bracket permanently affixed to the vehicle. The flag, when mounted, shall be visible from all directions at a height of not less than 48 inches nor more than 72 inches measured from the level ground upon which the vehicle stands and shall conform to the following requirements:

(A) Be constructed of durable, all-weather type material;

(B) Be orange in color;

(C) Be triangular in shape with a minimum base length of 8.5 inches and a minimum side length of 11.5 inches.

(Adoption Ordinance, 2004)

**7-45-240. Required Safe Mechanical Condition.** No person shall drive or move on a street or highway any vehicle unless the equipment upon the vehicle is in good working order and adjustment as required in this Title and unless the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

(Adoption Ordinance, 2004)

**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 50**  
**ACCIDENTS**

**Sections:**

7-50-100	Duty to Stop
7-50-110	Duty to Give Information and Render Aid
7-50-120	Duty upon Colliding With Unattended Vehicle or Property
7-50-130	Notice Required of Driver

**7-50-100. Duty to Stop.**

(a) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of § 7-50-110. Every stop shall be made without obstructing traffic more than is necessary.

(b) The driver of a vehicle involved in an accident resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible, but shall forthwith return to and remain at the scene of the accident until the driver has fulfilled the requirements of § 7-50-110. Every stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with this section is guilty of a misdemeanor. (Adoption Ordinance, 2004)

**7-50-110. Duty to Give Information and Render Aid.** The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver's license to the person injured in the accident or to the driver or occupant of or person attending any vehicle or other property damaged in the accident and to any police officer at the scene of or who is investigating the accident. The driver shall also render to any person injured in the accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that the treatment is necessary or if the carrying is requested by the injured person. (Adoption Ordinance, 2004)

**7-50-120. Duty Upon Colliding with Unattended Vehicle or Property.** The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended resulting in any damage to the other vehicle or other property shall immediately stop and shall immediately either locate and notify the operator or owner of the vehicle or other property of his name, address and the registration number of the vehicle

he is driving or shall attach securely in a conspicuous place in or on the vehicle or other property a written notice giving his name, address and the registration number of the vehicle he is driving. Every stop shall be made without obstructing traffic more than is necessary. (Adoption Ordinance, 2004)

**7-50-130. Notice Required of Driver.** The driver of a vehicle involved in an accident resulting in injury to or death of any person, in property damage to another or others to an apparent extent of at least \$1,000.00 or in any vehicle, excluding bicycles or any other vehicle moved solely by human power, becoming so disabled as to prevent its normal and safe operation, shall immediately by the quickest means of communication give notice of the accident to the Police Department of the Town of Lusk. (Adoption Ordinance, 2004)

**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 55**

**ADMINISTRATION AND ENFORCEMENT**

**Sections:**

7-55-100	Parties to Crime
7-55-110	Unlawful Acts by Persons Owning or Controlling Vehicles
7-55-120	Traffic Citations
7-55-130	Violation of Promise to Appear; Appearance by Counsel
7-55-140	Traffic Citation Books
7-55-150	Disposition and Records of Traffic Citations
7-55-160	Use of Citations as Lawful Complaints
7-55-170	Illegal Cancellation; Audits

**7-55-100. Parties to Crime.**

(a) Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared in this Title to be a crime, whether individually or in connection with one or more other persons or as a principal, agent or accessory, is guilty of the offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this Title is likewise guilty of the offense. (Prior Code 12-106, 12-240, 1978)

**7-55-110. Unlawful Acts by Persons Owning or Controlling Vehicles.** It is unlawful for the owner or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of the vehicle upon a street or highway in any manner contrary to the requirements of this Title. Any person convicted of violating any of the provisions of this Title shall be guilty of a misdemeanor and shall be punished in accordance with § 2-35-100 of the Lusk Municipal Code. (Prior Code 12-701, 1978)

**7-55-120. Traffic Citations.**

(a) Whenever a person is halted by a police officer for any violation of this Title punishable as a misdemeanor, and is not taken before a judge as required or permitted, the officer shall prepare a written traffic citation containing a notice to appear in court.

(b) The time specified in the notice to appear must be at least five days after the alleged violation unless the person charged with the violation demands an earlier hearing.

(c) The place specified in the notice to appear must be before a judge as designated in subsection (g) of this section.

(d) The person charged with the violation may give his written promise to appear in court by signing at least one copy of the written traffic citation prepared by the officer, in which event the officer shall deliver a copy of the citation to the person, and thereupon, the officer shall not take the person into physical custody for the violation.

(e) Any officer violating any of the provisions of this section is guilty of misconduct in office and is subject to removal from office.

(f) A police officer at the scene of a traffic accident may issue a written traffic citation, as provided in subsection (a) of this section, to any driver of a vehicle involved in the accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this Title in connection with the accident.

(g) Whenever any person is taken before a judge or is given a written traffic citation containing a notice to appear before a judge, the judge shall be the Municipal Judge for the Town of Lusk.

(h) Whenever any person is taken into custody by a police officer for the purpose of taking him before the Municipal Judge, and no judge is available at the time of arrest, and there is no bail schedule established by the Judge or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the judge or court, the person shall be released from custody upon the issuance to him of a written traffic citation and his signing a promise to appear as provided in subsection (d) of this section. (Prior Code 12-702, 703, 1978)

**7-55-130. Violation of Promise to Appear; Appearance by Counsel.**

(a) It is unlawful for any person to violate his written promise to appear given to an officer upon the issuance of a traffic citation regardless of the disposition of the charge for which the citation was originally issued.

(b) A written promise to appear in court may be complied with by an appearance by counsel. (Prior Code 12-704, 1978)

**7-55-140. Traffic Citation Books.** The Chief of Police is responsible for the issuance of traffic citation books and shall maintain a record of every book and each citation contained therein issued to individual members of the Police Department and shall require and retain a receipt for every book so issued. (Prior Code 12-705, 1978)

**7-55-150. Disposition and Records of Traffic Citations.**

(a) Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of any traffic ordinance of the Town of Lusk shall deposit the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense.

(b) Upon the deposit of the original or a copy of the traffic citation with a court having jurisdiction over the alleged offense, the original or copy of the traffic citation may be disposed of only by trial in court or other official action by a judge of the court, including forfeiture of the bail, or by the deposit of sufficient bail with or payment of a fine to the traffic violations bureau by the person to whom the traffic citation was issued by the traffic enforcement officer.

(c) It is unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required by this Title.

(d) The Chief of Police shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or

ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(e) The Chief of Police shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic violations bureau in which the original or copy of the traffic citation was deposited. (Prior Code 12-706, 1978)

**7-55-160. Use of Citations as Lawful Complaints.** In the event the form of citation includes information and is sworn to as required under the general laws of this state in respect to a complaint charging commission of the offense alleged in the citation to have been committed, then the citation when filed with a court having jurisdiction shall be deemed to be a lawful complaint for the purpose of prosecution under this Title. (Prior Code 12-708, 1978)

**7-55-170. Illegal Cancellation; Audits.**

(a) Any person who cancels or solicits the cancellation of any traffic citation in any manner other than as provided in § 7-55-150 shall be guilty of a misdemeanor.

(b) Every record of traffic citations required by this Chapter shall be audited annually by the appropriate fiscal officer of the Town. (Prior Code 12-707, 1978)



**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 60**  
**CHILD SAFETY RESTRAINT**

**Sections:**

7-60-100	Definitions
7-60-110	Child Safety Restraint Required
7-60-120	Penalty

**7-60-100. Definitions.** As used in this Chapter:

(a) "Child safety restraint system" means any device which is designed to protect, hold or restrain a child in a privately owned, leased or rented noncommercial passenger vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident or sudden stop and which conforms to the standards prescribed by 49 C.F.R. 571.213 or to applicable federal motor vehicle safety standards in effect at the time of manufacture;

(b) "Emergency vehicle" means any fire department vehicle, police, sheriff's department or highway patrol vehicle, civil defense vehicle, ambulance, hearse or other vehicle used primarily for emergency purposes;

(c) "Motor vehicle" means every vehicle which is self-propelled;

(d) "Passenger vehicle" means a motor vehicle, excluding emergency and law enforcement vehicles, designed to carry people and that was equipped with safety belts at the time of manufacture. (Adoption Ordinance, 2004)

**7-60-110. Child Safety Restraint Required.**

(a) Except as otherwise provided in subsection (b) of this section, no person shall operate a passenger vehicle in this state unless each child who is a passenger in that vehicle and who is eight years of age or under, and who weighs 80 pounds or less, is properly secured in a child safety restraint system.

(b) Any child who is within the age and weight requirements specified in subsection (a) of this section need not be properly secured in a child safety restraint system if:

(1) A licensed physician has determined that the weight or physical or medical condition of the child requires that the child not be secured in such a system. The person operating a passenger vehicle transporting such a child shall carry in the vehicle the physician's signed statement certifying that the child should not be secured in a child restraint system.

(2) The driver of the vehicle is rendering aid or assistance to the child or his parent or guardian. (Adoption Ordinance, 2004)

**7-60-120. Penalty.**

(a) Any person who violates this Chapter shall be issued a citation and fined as provided in § 2-35-100, provided that upon a first offense the fine shall be waived by the court upon receipt of proof by the court that the offender, after the offense occurred, has purchased, leased or otherwise acquired a child safety restraint system which meets the requirements of this Chapter.

(b) Any person who uses a child safety restraint system in a manner other than in accordance with the manufacturer's instructions is guilty of a violation of this Chapter and shall be fined as provided in subsection (a) of this section. (Adoption Ordinance, 2004)

**TITLE 7**  
**MOTOR VEHICLES AND TRAFFIC**  
**CHAPTER 65**  
**SEAT BELT USAGE**

**Sections:**

7-65-100	Definitions
7-65-110	Safety Belts Required to Be Used

**7-65-100. Definitions.** As used in this Title:

- (a) "Emergency vehicle" means as defined in W.S. § 31-5-1302(a)(iii).
- (b) "Passenger vehicle" means a vehicle which is self-propelled and designed to carry 11 persons or less and primarily used to transport persons, including pickup trucks but excluding emergency vehicles, motorcycles, and buses.
- (c) "Safety belt" means a passenger restraint which was installed when the vehicle was manufactured. (Adoption Ordinance, 2004)

**7-65-110. Safety Belts Required to Be Used.**

- (a) Each driver and passenger of a motor vehicle operated in this state shall wear, and each driver of a motor vehicle shall require that a passenger under 12 years of age shall wear, a properly adjusted and fastened safety belt when the motor vehicle is in motion on public streets and highways.
- (b) Subsection (a) of this section does not apply to:
  - (1) Any person who has a written statement from a physician that it is not advisable for the person to wear a safety belt for physical or medical reasons.
  - (2) Any passenger vehicle which is not required to be equipped with safety belts under federal law.
  - (3) A carrier of the United States postal service performing duties as a postal carrier.
  - (4) Any person properly secured in a child safety restraint system; or
  - (5) Any person occupying a seat in a vehicle in which all operable safety restraints are being used by the driver or passengers and any person occupying a seat in a vehicle originally manufactured without a safety belt.
- (c) No motor vehicle shall be halted solely for a violation of this section. A citation for a moving violation of the motor vehicle ordinances of the Town of Lusk shall be issued prior to issuance of a citation for violating seat belt usage requirements of this section.
- (d) All citations for violations of the motor vehicle ordinances of the Town of Lusk shall contain a notation by the issuing officer indicating whether the driver and passengers complied with this section. Compliance with this section shall entitle a licensee to a \$10.00 reduction in the fine otherwise imposed by any court having jurisdiction over the alleged offense. (Adoption Ordinance, 2004)

## CHAPTER 5

### GENERAL PROVISIONS

#### Sections:

8-5-100	Definitions
8-5-110	Compliance Required
8-5-120	Application for Annual License
8-5-130	Restrictions upon Applicants and License
8-5-140	Grounds for Denial of License
8-5-150	Transfer of Annual License
8-5-160	Term of Annual License

## TITLE 8

### ALCOHOLIC BEVERAGES

#### Chapters:

8-5	General Provisions
8-10	Licenses and Permits
8-15	Restrictions and Violations

#### **8-5-100. Definitions.**

(a) Except as otherwise noted below, definitions used in this chapter shall be as found in W.S. § 12-1-101, as amended.

(b) “Clerk” shall mean Town Clerk of the Town of Lusk, Wyoming.

(c) “Governing body” shall mean the mayor and council of the Town of Lusk, Wyoming. (Ord. 3-101, 1996; Prior Code 3-101, 1978)

#### **8-5-110. Compliance Required.**

(a) For the protection of the health, safety and welfare of the residents, citizens and guests of the Town, it is hereby declared to be in the best interest of the Town, and the residents, citizens and guests hereof, that the sale, distribution, possession and traffic of alcoholic liquor and malt beverages shall be regulated to the extent that all such activity be, and the same hereby is, prohibited, except as provided in this chapter, and that no sale at retail or possession of such substances shall occur within the jurisdictional limits of the Town except as authorized herein and the exception so provided in W.S. § 12-1-101, et seq., reserving certain powers to the State of Wyoming. It is the intent of this chapter to comply and coincide with provisions of W.S. § 12-1-101, et seq., which regulate such substances. (Ord. 3-102, 1996; Ord. 3-102, 1990; Prior Code 3-102, 1978)

(b) It is not the intent of the Town to regulate or interfere with the regulation by the State of limited transportation licenses issued in compliance with provisions of W.S. § 12-2-202. However, nothing in this chapter shall be construed to limit or impair the authority of the

Town to enforce § 6-5-360 of the Lusk Town Code, which is commonly known as the “Open container Ordinance.” (Ord. 3-102, 1996; Prior Code 3-102, 1978)

(c) In addition to any other rights of inspection the Town may have under Federal, State and local laws, law enforcement personnel of the Town of Lusk shall have the right to enter into licensed premises during regular open business hours for purposes of ascertaining compliance with all applicable laws and ordinances pertaining to the sale, storing, serving, and keeping malt of alcoholic beverages under the license issued by the Town. A refusal to permit entry or inspection contrary to this section shall be declared in violation of law and may result in penalties provided in Ordinance #2-35-100 of the Lusk City Ordinances and suspension of the license.

#### **8-5-120. Application for Annual License.**

(a) Any person desiring an annual license as authorized by this chapter delivering to the Town Clerk, on the form prepared by the Attorney General pursuant to W.S. § 12-4-701 and provided to the applicant by the Clerk, a completed, verified and signed form. The license fee, or any other fees related to a license such as publication costs, certified mailing costs, and any other associated costs shall be paid to the Clerk at the time the application is filed, or the Clerk shall not commence processing the application. Renewal of an annual license, application for transfer of ownership and transfer of location shall be made upon the same form and in the same manner. The information contained in the application shall conform to the requirements of W.S. § 12-4-102.

(b) Upon receipt of an application, the Clerk shall send one copy of the application to the Department of Revenue by certified mail, return receipt requested, and shall promptly prepare a notice of application, place a copy of the notice in a conspicuous place at the location shown in the application and publish the notice in the local newspaper once a week for four (4) consecutive weeks. The notice shall comply with the provisions of W.S. § 12-4-104. If the State takes no action within ten (10) days of receipt of an application, the application shall be deemed complete and certified by the State and the Town may proceed to approve or deny the application.

(c) On behalf of the licensing authority, the Town Clerk is authorized to request supporting documentation in conjunction with applications filed for a license or permit. Prior to issuance, review and inspections of the proposed premises may be conducted by various Town Department representatives as required by the Town Clerk. Representatives of the Town Departments may enter licensed and permitted premises during regular business hours to make reasonable inspections. (Ord. 3-201, 1996; Prior Code 3-201, 1978)

#### **8-5-130. Restrictions upon Applicants and License.**

(a) Except as provided in subsection (b), all permit and license recipients must post the license or permit in a conspicuous place within the licensed dispensing room described in the application.

(b) Any license issued pursuant to W.S. § 12-4-103 (a) (iv) shall be held by the Clerk in the Clerk’s office, or other location as designated by the Clerk, until the license can be placed in a physically functional building. (Ord. 3-202, 1996; Prior Code 3-202, 1978)

#### **8-5-140. Grounds for Denial of License.**

(a) A license shall not be issued, renewed, or transferred if the governing body finds from evidence presented at the hearing required under W.S. § 12-4-104 any of the conditions

found under W.S. § 12-4-104(b).

(b) The holder of an expired annual license, or one due for expiration, has a preference right to a renewal of that license for the same location, but such preference exists only to the extent explicitly authorized under W.S. § 12-4-104(c). No other preference rights are authorized or recognized by the Town of Lusk. The preference right granted under this.

section shall expire thirty (30) days after the expiration date shown on the most recently issued license or permit.

(c) The governing body of the Town of Lusk may deny an application for renewal or may suspend a license if the applicant has two (2) or more convictions of violating any of the provisions contained in this title, or similar offenses under State law.

(d) The Town may consider the criminal background of an applicant (or of 10% owners/partners in a corporation/partnership). The governing body may request that all applicants must complete and sign a Town designed form which will allow the police chief, or his designee, to conduct an appropriate criminal history check through DCI. In the event of such request the applicant or (10% owners) shall indicate its residences during the past five years. The applicant can request a DCI criminal background history release from the chief of police. The applicant should also seek a similar form from the state division of criminal investigation in each of the states where the applicant has resided during the past five years. (Ord. 3-203, 1996; Prior Code 3-203, 1978)

**8-5-150. Transfer of Annual License.** A person seeking to transfer an annual license shall submit a new application form and shall pay to the Clerk at the time of such application a non-refundable additional license fee of \$100.00. The transfer application shall be set for public hearing and otherwise considered by the governing body in a manner consistent with W.S. § 12-4-601. (Ord. 3-204, 1996; Prior Code 3-204, 1978)

**8-5-160. Term of Annual Licenses.**

(a) Annual licenses shall be for a period of not more than one year, expiring each year on May 31. Annual licenses shall be a personal privilege of the licensee.

(b) The executor or administrator of the estate of a deceased licensee, when the estate consists in whole or in part of a business selling alcoholic or malt beverages under an annual license issued by the Town, may exercise the personal privilege of the deceased licensee under terms of the license until the expiration date of the license. If the license of the deceased licensee has not been transferred prior to the annual expiration date, the governing body shall consider the license of the deceased licensee as an unissued license. (Ord. 3-205, 1996; Prior Code 3-205, 1978)

## **TITLE 8**

### **ALCOHOLIC BEVERAGES**

#### **CHAPTER 10**

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

##### **Sections:**

- 8-10-100. Annual Licenses
- 8-10-110 Fees
- 8-10-120 Temporary Licenses and Permits

##### **8-10-100. Annual Licenses.**

(a) The governing body of the Town of Lusk is hereby authorized to issue the following annual licenses pursuant to state law and this chapter.

- (1) Retail Liquor License, as defined in W.S. § 12-4-201.
- (2) Limited Retail Liquor (Special Club) License, as defined in W.S. § 12-4-301.
- (3) Resort Retail Liquor License, as defined in W.S. § 12-4-401.
- (4) Restaurant Liquor License, as defined in W.S. § 12-4-407.
- (5) Microbrewery Permit, as defined in W.S. § 12-4-412.
- (6) Winery Permit, as defined in W.S. § 12-4-412.
- (7) Special Malt Beverage Permit for Public Auditoriums, as defined in W.S. § 12-4-504.
- (8) Bar and Grill Liquor License as defined in §12-4-413 (Adoption Ordinance, 2004, Amended July 6, 2021)

##### **8-10-110. Fees.**

(a) The annual for each license shall be payable at the time of application, shall be paid in cash or certified check, and shall be in the full amount as shown for each class of license below:

- (1) For a Retail Liquor License the annual fee beginning at renewal time in 2022 shall be \$1,000.00 and shall increase to \$1,500.00 at renewal time in 2023 and thereafter.
- (2) For a Limited Retail Liquor (Special Club) License, the annual fee is \$500.00.
- (3) For a Resort Retail Liquor License, the annual fee is \$1,500.00.
- (4) For a Restaurant Liquor License, the annual fee is \$1,500.00.
- (5) For Microbrewery permit, the annual fee is \$500.00.
- (6) For a Winery Permit, the annual fee is \$500.00.
- (7) For a Special Malt Beverage Permit for Public Auditoriums the annual fee is \$1,500.00
- (8) For a Bar and Grill Liquor License the annual fee is \$1,500.00



(b) No refund of all or any part of any license fee shall be made at any time following the issuance of the license.

(c) In addition to paying an application fee at the time of application, the applicant shall also pay a nonrefundable publication fee in an amount designated by the Town Clerk to cover the cost of publishing public hearing notices. (Ord. 3-301, 1996, Amended July 6, 2021)

### **8-10-120. Temporary Licenses and Permits.**

(a) The governing body of the Town of Lusk is hereby authorized to issue the following temporary licenses pursuant to state law and this chapter.

- (1) Malt Beverage Permit, as defined in W.S. § 12-4-502(a).
- (2) Catering Permit, as defined in W.S. § 12-4-502(b).
- (3) Temporary Dispensing Room Permit, as defined in W.S. §§ 12-4-504 and 12-5-201(f), (g), (h), and (j).
- (4) Extended Club Hours Permit, as defined in W.S. § 12-5-101(b).
- (5) Open Container Waiver Permit in such form as the Town shall designate, waiving thereby such portion of § 6-5-360, Lusk Municipal Code, as may be applicable.

(b) The annual fee for each license shall be payable at the time of application, shall be paid in cash or certified check, and shall be in the full amount as shown for each class of license below:

- (1) For a Malt Beverage Permit, the fee shall be \$100.00 per 24 hour period. The governing body may, from time to time, change the fee in the manner provided in § 8-10-120.
- (2) For a Catering Permit, the fee shall be \$100.00 per 24 hour period. This fee may be set by the governing body within the range of \$10.00 and \$100.00.
- (3) For a Temporary Dispensing Room Permit, the fee shall be \$100.00. This fee may be set by the governing body within the range of \$10.00 and \$100.00.
- (4) For an Extended Club Hours Permit, there shall be no additional fee.
- (5) For an Open Container Permit, waiving the pertinent portion of § 6-5-360, Lusk Municipal Code, the fee shall be \$10.00.

(c) No refund of all or any part of any temporary license or permit fee shall be made at any time following the issuance of the license.

(d) In addition to paying an application fee at the time of application, the applicant shall also pay a nonrefundable publication fee in an amount designated by the Town Clerk to cover the cost of publishing public hearing notices.

(e) Persons holding an operating limited retail (club) or restaurant liquor license who are operating golf clubs may sell and dispense alcoholic beverages within the boundaries of the golf club premises. Club members and their guests possessing alcoholic liquors and malt beverages are exempt from § 6-5-360 of the Lusk Municipal Code (Open Container Ordinance) when within the boundaries of the golf club premises. (Ord. 3-302, 1996)

## TITLE 8

### ALCOHOLIC BEVERAGES

#### CHAPTER 15

#### RESTRICTIONS AND VIOLATIONS

##### Sections:

8-15-100	Hours of Operation
8-15-110	Falsification of Application
8-15-120	Possession by Underage Persons
8-15-130	Sales to Underage Persons
8-15-140	Use of False Proof of Age or Identity
8-15-150	Licensed Building Restrictions
8-15-160	Suspension of License or Permit
8-15-170	Delivery of Alcoholic Liquors and Malt Beverages
8-15-180	Penalties for Violations of this Ordinance

##### **8-15-100. Restrictions and Violations.**

(a) All licensees and permittees holding annual or temporary licenses under this chapter shall be controlled by the schedule of hours set forth in subsection (c) of this section.

(b) This section shall not apply to licensees holding Limited Retail Liquor (Special Club) Licenses who have been authorized by the governing body under W.S. § 12-5-101(b) to have hours of operation other than those authorized by the section.

(c) The hours of operation for all licensees and permittees, subject to the exceptions in subsection (b) of this section, shall be as follows:

(1) A licensee may open the dispensing room no earlier than 6:00 a.m. and shall close the dispensing room and cease the sale of alcoholic and malt beverages not later than 2:00 a.m. the following day, and the licensee shall clear the dispensing room of all persons other than employees no later than 2:30 a.m.

(2) All sales of alcoholic and malt beverages authorized by a restaurant liquor license shall cease at the time food sales and services cease or at the hours specified immediately hereinabove if food sales and services extend beyond the hours specified therein.

(3) The hours of operation designated above in this section may be modified on no more than four days each calendar year by a resolution or agreement made each year by the appropriate licensing authority designating those dates during city or county fairs, rodeos, pageants, jubilees, special holidays or similar public gatherings when all licensees may operate their dispensing rooms for a period of 24 hours beginning at 6:00 a.m.

(4) It is unlawful for any person to operate a bottle club in the Town. Used herein, "bottle club" is defined as an operation or enterprise in which no alcoholic liquor or malt beverages are sold, but where food, soft drinks and mixes are sold, and the safekeeping of alcoholic liquor and malt beverages is provided for individual club members who bring alcoholic liquor and malt beverages upon the premises for their

own use and consumption. Income, profits or fees of the operator of a bottle club are typically derived from sales or furnishing of mixes, ice, food or glasses, or from dues, charges, contributions, membership cards or assessments.

(5) Excessive drinking of alcoholic liquor and malt beverages or disorderly conduct in any place licensed under this chapter shall not be permitted by the licensee. In addition to any penalty provided by the Lusk Municipal Code or state law, excessive drinking or disorderly conduct may be cause for the initiation of suspension and/or revocation procedures.

(6) Restaurant Liquor licenses shall be subject to all restrictions contained in W.S. § 12-4-110, as amended. (Ord. 3-401, 1996)

**8-15-110. Falsification of Application.**

(a) It is unlawful for any person or organization to knowingly submit false information or false facts as true, or to submit a fact or piece of information without knowing such to be true or false, on an application for any license or permit authorized by this chapter, and that each application being submitted shall be sworn to be true to the best of the knowledge by the person submitting such application.

(b) If, in the opinion of the Town Attorney, a liquor license holder has acted in violation of this section, the Town Attorney shall upon action of the licensing authority take action on behalf of the licensing authority pursuant to W.S. § 12-7-201 seeking revocation of the license or permit. Such action shall be in addition to any other penalties which may accrue to the license holder for violation of this section. (Ord. 3-501, 1996)

**8-15-120. Possession by Underage Persons.** It is unlawful for any person under the age of 21 years to possess, buy, sell, drink, consume or otherwise solicit the sale or purchase of alcoholic liquor or malt beverages in the Town of Lusk. As used in this section, possession shall also include alcohol which has been consumed and is present within the body at the time of determination. (Ord. 3-502, 1996)

**8-15-130. Sales to Underage Persons.** It is unlawful for any person to sell, give or deliver any alcoholic liquor or malt beverage to any person under the age of 21 years, provided, however, that such prohibition shall not apply to any parent or guardian providing such as to his or her child in the confines of their home. (Ord. 3-503, 1996)

**8-15-140. Use of False Proof of Age or Identity.** It is unlawful for any person under the age of 21 years to make, use or possess any identification which falsely indicates the person's age as greater than 21 years, whether in the person's correct name or not, or to attempt to obtain any alcoholic liquor or malt beverage using any false identification. (Ord. 3-504, 1996)

**8-15-150. Licensed Building Restrictions.**

(a) It is unlawful for any person under the age of 21 years to enter or remain in any area of the licensed building where alcohol is served and/or consumed, except as provided in this section.

(b) No licensee, permittee or agent, employee or servant of a licensee or permittee shall permit any person under the age of 21 years to enter or remain in any area of the licensed building where alcohol is served and/or consumed, except as provided in this section.

(c) This section shall not apply to a licensee's employee under the age of 21 years, when in the course of his employment, the employee is in the licensed building and the licensed building is not open for the sale or dispensing of alcoholic beverages or brewing of malt beverages

(d) Restaurant and Bar and Grill Liquor Licenses are not subject to this section, however, persons under the age of 21 years are not allowed in areas where alcohol is dispensed or brewed except as provided in sub-section (c) above.

(e) The Licensee shall be liable for violations of this section and may be cited as well as the employees and agents of licensee violating this section. A violation shall be a misdemeanor and punished as set forth in Lusk City Ordinance 2-35-100.

(f) Establishments holding a **Retail Liquor License** in the Town of Lusk May provide food services to minors upon receiving a permit to do so from the Governing Body of the Town of Lusk. For purposes of this Ordinance "minors" are defined as persons under the age of 21 years. Said permit shall be granted on an annual basis separate and apart from the liquor license renewal process and shall only be granted on the following terms and conditions:

- (1) The establishment must have a separate kitchen capable of preparing food on premises for immediate consumption by the public. The food services must be open to the public at least five (5) days per week. Food Services for purposes of this Ordinance shall mean kitchens with grills, deep friers, stoves and/or ovens and shall not mean frozen meals heated in a microwave.
- (2) The establishment SHALL have a current Food License from the Wyoming Department of Agriculture which shall be demonstrated to the Town Office before the permit shall be issues.
- (3) The establishment must provide specific designated areas withing the building where minors may be served food. No minor shall be allowed to be eating or standing at the serving bar. The serving bar is defined as the bar or counter where alcoholic beverages are prepared and/or dispensed.
- (4) All persons under the age of 18 years must be accompanied by and seated with (i.e., at the same table) an adult over the age of 21 years. Minors aged 18 years through 20 years of age may be allowed in the eating areas designated for minors for meals without an accompanying adult, however no person under the age of 21 years shall be allowed to consume alcohol.
- (5) All servers, bartenders, bar backs and managers must be TIPS trained before being allowed to work in the establishment. The establishment shall provide evidence of TIPS certificates to the Lusk Police Department for all employees at the time each employee is hired and/or allowed to work in the establishment. (Amended May, 2023)
- (6) All persons under the age of 21 years shall be removed from the premises by 9:00 p.m.
- (7) The permit issued by the Town pursuant to this Ordinance shall apply to Retail Liquor License holders only. A permit must be issued annually and can be refuse for renewal by the Town without cause. A permit can be revoked immediately should a permitted establishment or its employee violate this

ordinance. Violations of this ordinance shall also be considered regarding suspension or non-renewal of the establishment's liquor license.

(8) Any person who violates a provision of this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished as provided in Lusk City Ordinance 2-35-101, i.e., a fine of not more than \$750.00 and court costs as applicable.

(9) Applicants shall pay a permit fee of \$100.00 upon the permit being issued.

(Amended October 2020, Amended & Revised March 1, 2022)

#### **8-15-160. Suspension of License or Permit.**

(a) The governing body may suspend any license or permit issued under this chapter if the licensee or permittee fails to pay sales taxes and the Wyoming Liquor Division has ceased sales of alcoholic liquor to the licensee or permit pursuant to W.S. § 12-2-306. Upon receipt by the clerk of a certified notice from the State of Wyoming issued pursuant to W.S. § 12-2-306, and upon order of the governing body, the clerk shall notify the licensee or permittee, by certified mail that the Town intends to hold a hearing on whether the license or permit should be suspended. The suspension hearing shall be conducted under the Wyoming Administrative procedures Act (W.S. §§ 16-6-101 et seq.) And rules adopted by the governing body. The certified notice from the State of Wyoming and all evidence presented to the State of Wyoming in support of the certified notice will be admitted and considered prima facie evidence of the licensee's or permittee's tax delinquency.

(b) In the event a license or permit is suspended in accordance with this section, the holder of the license or permit may appeal the suspension in accordance with the provisions of W.S. § 12-7-103.

(c) The suspension of the license or permit shall remain in effect until either the governing body lifts the suspension, a court of competent jurisdiction lifts the suspension, or the clerk receives certified notice from the State of Wyoming that the sales tax liability has been satisfied.

(d) In the event a suspension occurs, the clerk shall send by certified mail one copy each of the suspension notice to the last known addresses of the license or permit holder and to the Director of the Wyoming Liquor Division for the State of Wyoming. Additionally, the clerk shall post one copy of the suspension notice on the licensed or permitted premise. Immediately upon the posting of the suspension notice, the sale, offering to sell, distribute, or traffic of alcoholic liquor or malt beverages shall be unlawful. Further, the licensee or permittee shall either remove all of the alcoholic liquor and malt beverage from the licensed premises or secure the alcoholic liquor and malt beverages in a manner approved in writing by the Chief of Police or his designee. (Ord. 3-506, 1996)

#### **8-15-170. Delivery of Alcoholic Liquors and Malt Beverages.**

(a) No retail liquor licensee shall deliver or cause to be delivered any alcoholic or malt beverage to any person whatsoever, except at the licensed premises.

(b) No person shall engage in the business of making deliveries of alcoholic liquor or malt beverages from the place of any retail liquor licensee in the Town. (Ord. 3-507, 1996)

**8-15-180. Penalties for Violations of this Title.** Licensees shall be legally responsible for the acts of its employees and/or agents. Any licensee or person found guilty of violating any of the provisions of this Title shall, upon conviction, be subject to the penalties provided in § 2-35-100, the General Penalty Provision of the Lusk Municipal Code, as

amended in addition to license suspension or denial of renewal of license, if applicable. (Ord. 3-601, 1996)

## **TITLE 9**

### **ANIMALS**

#### **Chapters:**

- 9-5 Dogs and Cats
- 9-10 Other Animals and Fowl

### **CHAPTER 5**

#### **DOGS AND CATS**

#### **Sections:**

- 9-5-100 Definitions
- 9-5-110 Running at Large
- 9-5-120 Female Dog or Cat at Large in Heat
- 9-5-130 Howling and Barking
- 9-5-140 Injury to Property
- 9-5-150 Chasing Vehicles
- 9-5-160 Jumping and Barking at Pedestrians
- 9-5-170 Stray Dog, Cat or Animal
- 9-5-180 Dogs Off Premises To Be on Leash
- 9-5-190 Authority to Pursue
- 9-5-200 Confinement of an Animal in a Motor Vehicle
- 9-5-210 Interference With Impounding
- 9-5-220 Notice of Impounding
- 9-5-230 Redemption of Dog
- 9-5-240 Redemption of Cat or Other Animal
- 9-5-250 Mandatory Spay/neuter for Impounded Dogs and Cats
- 9-5-260 Injured or Diseased Animals
- 9-5-270 Licensing of Animals
- 9-5-280 Directing Dog With malicious Intent Prohibited
- 9-5-290 Use of Dog in Illegal Activity Prohibited
- 9-5-300 Directing Dog with Malicious Intent Toward Public Safety Officer
- 9-5-310 Probable Cause to Impound Dog
- 9-5-320 Declaration of Dogs as Dangerous and Potentially Dangerous
- 9-5-330 Dangerous Dog Permits and Fees
- 9-5-340 Confinement of Dangerous Dogs
- 9-5-350 Notification of Status of Potentially Dangerous Dogs and Dangerous Dogs
- 9-5-360 Penalty for Violation
- 9-5-370 Duty to Quarantine
- 9-5-380 Quarantine; Notice to Owner
- 9-5-390 Handling of Animals Bitten by Rabid Animals; Animal Waste
- 9-5-400 Animal Waste
- 9-5-410 Maximum Number of Pets Allowed Per Residence



**9-5-100. Definitions.** Within the provisions of this chapter the following definitions shall apply:

(a) "Animal" shall mean and include female, spayed female, male and neutered male dog, cat, or other animal.

(b) "At large" shall mean off the premises of the owner or keeper of the dog, cat or animal, and not under restraint by leash or chain or not otherwise controlled by a competent person.

(c) "Cat" shall mean and include female, spayed female, male and neutered male cats.

(d) "Dangerous dog" means any dog that, according to the records of the appropriate authority:

(1) has inflicted injury on a human being, without provocation, on public or private property;

(2) has killed severely injured a domestic animal, without provocation, while off the owner's property; or

(3) has been previously found to be potentially dangerous, the owner having received notice of such, and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(e) "Dog" shall mean and include female, spayed female, male and neutered male dogs.

(f) "Owner" shall mean any person, firm, corporation or department owning, having an interest in, or having control or custody or possession of any dog, cat or animal.

(g) "Person" shall include any person, partnership, corporation, trust or association of persons.

(h) "Potentially dangerous dog" means any dog that, when unprovoked:

(1) inflicts bites on a human or a domestic animal either on public or private property; or

(2) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

(i) "Proper enclosure of a dangerous dog" means, while on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

(j) "Securely enclosed and locked" means a pen or structure which has secure sides and a secure top. If the pen or structure has no bottom secured to the sides, then the sides must be embedded in the ground no less than one foot.

(k) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

(l) "Unconfined" means not securely confined indoors or in a securely enclosed and locked pen or structure upon the premises of the person owning, harboring, or having the care of the animal. (Prior code 2-101, 1978)

(m) "Nuisance" means any animal which trespasses on public or private property, runs at large; damages, soils, urinates, or defecates on private or public property or causes garbage placed in containers to be strewn or deposited on private or public property; that habitually, constantly or frequently disturbs the sleep, rest, tranquility or peace of any person or neighborhood; that chases pedestrians, bicyclists or motor vehicles; that attacks other domestic

animals; and any animals in heat which are not confined; and animals that are tethered in such a way that it or its tether obstructs any part of a public road, alley, walkway; and any animal which creates offensive odors which disturb a person or neighborhood. (Adoption Ordinance 2019)

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**9-5-110. Running at Large.** It shall be unlawful for the owner or person having control of any animal to suffer or permit under any circumstances the same, whether licensed or not, to run at large. Any animal so straying, entering or trespassing is hereby declared to be a nuisance and shall be immediately seized and impounded; provided that this Section shall not prohibit a person from walking or exercising a dog when such dog is on leash and proper safeguards are taken to protect the public property from injury or damage from said dog. (Prior code 2-102, 2-103, 1978)

**9-5-120. Female Dog or Cat at Large in Heat.** Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with a male of the species, except for planned breeding. Any such animal not so confined when in heat, whether or not such animal is licensed, is declared to be a nuisance and shall be immediately seized and impounded. (Adoption Ordinance, 2004)

**9-5-130. Howling and Barking.** It shall be unlawful for an owner to keep or harbor any dog or other animal which, by frequent or habitual howling, yelping, barking or the making of other noises, shall annoy or disturb a neighborhood of any considerable number of persons. Any such dog or animal shall be deemed a nuisance and may be seized and impounded. (Adoption Ordinance, 2004)

**9-5-140. Injury to Property.** It shall be unlawful for any owner to allow any dog or other animal to trespass on private or public property so as to damage or destroy any property or thing of value, and the same is hereby declared to be a nuisance and any such animal may be seized and impounded. (Adoption Ordinance, 2004)

**9-5-150. Chasing Vehicles.** It shall be unlawful for any owner or custodian of a dog to suffer or permit such dog to chase, run after or jump at vehicles, bicycles or pedestrians lawfully upon public streets, alleys, sidewalks or public places in the Town and the same is declared to be a nuisance and any such dog may be seized and impounded and the owner of custodian of the dog may be cited. (Prior code 2-115, 1978, Amended 2019)

**9-5-160. Jumping and Barking at Pedestrians.** It shall be unlawful for any owner to keep or harbor any dog or animal that frequently or habitually snarls and growls at or snaps or jumps upon or threatens persons lawfully upon the public sidewalks, streets, alleys or public places of the Town, and the same is hereby declared to be a nuisance and any such dog or other animal may be seized and impounded. (Adoption Ordinance, 2004)

**9-5-170. Stray Dog, Cat or Animal.** Any stray dog, cat or animal running within the Town is hereby declared to be a nuisance, and any such stray dog, cat or animal shall be impounded. For the purposes of this section, "stray dog," "stray cat" and "stray animal" shall mean and include any dog, cat or animal loitering in a neighborhood or any public place without an apparent owner or person in direct control of the animal. (Amended 2012. Adoption Ordinance, 2004)

**9-5-180. Dogs Off Premises To Be on Leash.** It shall be unlawful for the owner or custodian of any dog to cause, permit or allow such dog to roam, run, stray or be away from the premises of such owner or custodian and to be on any public place or on any public

property or the private property of another in the Town unless such dog, while away from such premises, be controlled by a leash or chain not more than eight feet in length, such control to be exercised by such owner or custodian or other competent and authorized person. Any dog found roaming, running, straying or being away from such premises and not on a leash as herein provided, is hereby declared to be a nuisance and such dog may be seized and impounded subject to redemption in the manner provided by this chapter, or in the alternative, a citation may be issued to the owner or person having the custody and control of such dog. (Adoption Ordinance, 2004)

**9-5-190. Authority to Pursue.** Those employees or agents of the Town charged with the duty of seizing animals running at large may pursue such animals onto Town owned property, vacant property, and unenclosed private property, and seize, remove, and impound the same. Employees and agents of the Town may proceed onto enclosed open property with the permission of the property owner/tenant. If the pursued animal is believed to be an immediate threat or danger to public safety officer may enter enclosed property without consent only to remove the animal threat. Attempts shall be made to contact the owner or tenant of entry. (Prior code 2-105, 1978, Amended 2019)

**9-5-200. Confinement of an Animal in a Motor Vehicle.** No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of such animal, an animal control officer or law enforcement officer who has probable cause to believe that this Section is being violated shall have the authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner. (Adoption Ordinance, 2004)

**9-5-210. Interference With Impounding.** If any person shall willfully prevent or hinder the impounding of any dog or cat found running at large in the Town or shall by force or otherwise remove any dog or cat from the public animal shelter without authority of the animal control officer or person in charge of the animal shelter, or without payment of all lawful charges against such dog or cat, or shall willfully resist or obstruct the animal control officer or person in charge of the animal shelter in the performance of any official duty, such person shall, upon conviction thereof, be found guilty of a misdemeanor. (Adoption Ordinance, 2004)

**9-5-220. Notice of Impounding.** Upon any dog or other animal being impounded under the provisions of this chapter, the impounding authority shall as soon as feasible, notify the owner, if the owner is known, of the impounding of animal, and the terms upon which said animal can be redeemed; if the owner is unknown, the animal control officer shall make all reasonable efforts to locate and notify the owner of the impounded animal. (Prior code 2-104, 1978, Amended 2019)

**9-5-230. Redemption of Dog.** The owner of any dog impounded under this chapter may redeem said dog within 48 hours from time of impounding by paying to the impounding authority a redemption fee as set from time to time by resolution of the Town Council, which fee increases for the second impound with a one-year period, and increases again for the third impound within a one-year period. If a dog is wearing a current pet license at the time of the

first impound, no redemption fee will be collected. In addition to the redemption fee, the redeemer shall pay, as a boarding charge for the caring for and keeping of such dog, a sum set from time to time by resolution of the Town Council (this boarding charge will be collected for the first time impound if wearing pet license or not), including the first and last days, that the dog is retained by the impounding authority. If such dog is not redeemed by the owner within 48 hours, then any person may redeem it within the next 48 hours by complying with the above provisions, and in case such dog is not redeemed at the end of such time, it may be humanely destroyed or otherwise disposed of within the discretion of the impounding authority. (Prior code 2-106, 2-107, 1978)

**9-5-240. Redemption of Cat or Other Animal.** The owner of any cat or animal impounded under the provisions of this chapter may redeem it within 48 hours from the time of impounding by paying to the impounding authority a redemption fee as set from time to time by resolution of the Town Council. In addition to the redemption fee, the redeemer shall pay, as a boarding charge for the caring and keeping of such cat or animal, a daily sum set from time to time by resolution of the Town Council, including the first and last days, that the cat or animal is retained by the impounding authority. If such cat or animal is not redeemed by the owner within 48 hours, it may be humanely destroyed or otherwise disposed of within the discretion of the impounding authority; provided, however, any cat or animal so impounded less than two months of age, at the discretion of the impounding authority, may be humanely destroyed or otherwise disposed of at any time after impoundment. (Adoption Ordinance, 2004)

**9-5-250. Mandatory Spay/Neuter for Impounded Dogs and Cats.** No unaltered dog or cat that is impounded more than once in any 12 month period may be redeemed until the owner makes arrangements for spaying or neutering the animal, unless the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal. (Adoption Ordinance, 2004)

**9-5-260. Injured or Diseased Animals.** Any dog or other animal suffering from serious injury or disease may be humanely destroyed by the impounding authority. (Adoption Ordinance, 2004)

**9-5-270. Licensing of Animals.**

(a) All dogs or cats kept, harbored, or maintained by their owners in the Town of Lusk, Wyoming, shall be licensed and registered if over six months of age. Dog and cat licenses shall be issued by the Town Clerk upon the payment of a license fee as set from time to time by resolution of the Town Council. Application shall be made on a form prepared by the Town Clerk and shall state the name address of the applicant, the name, breed, color and sex of each dog or cat owned or kept by him. The provisions of this section shall not be deemed to apply to dogs or cats whose owners are nonresidents temporarily within the Town, nor to dogs or cats brought into the Town for the purpose of participating in any dog or cat show, nor to "seeing eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding said person in going from place to place. (Prior Code 2-109, 1978)

(b) Upon payment of the license fee, the Clerk shall issue to the owner a license certificate and a metallic tag for each dog or cat so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the

number corresponding with the number on the certificate. Every owner shall be required to provide each dog or cat with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog or cat tag is lost or destroyed, a duplicate will be issued by the Clerk upon presentation of a receipt showing the payment of the license fee for the current year and the payment of \$1.00 fee for such duplicate. Dog or cat tags shall not be transferable from one dog or cat to another and no refunds shall be made on any dog or cat license fee because of death of the dog or cat or the owner's leaving the Town before expiration of the license period.

(c) As a part of the application for a dog or cat license, the person making such application must, before a license shall be issued, exhibit to the Town Clerk a certificate signed by a licensed veterinarian that the dog or cat for which the license is to be issued has been vaccinated with an anti-rabies vaccine immunizing the said dog or cat against rabies for a period equal in time to, or in excess of, the term of the license applied for.

(d) Every owner or harbinger of a dog or cat shall attach the tag evidencing the licensing and inoculation thereof to the collar or harness of the licensed dog or cat and such collar or harness shall be worn by such dog or cat at all times. The license therefore shall be retained by the owner or harbinger of the licensed dog or cat for inspection by any member of the Police Department or other authorized official, at any time. (Prior Code 2-109, 2-110, 2-111, 2-112, 1978)

(e) The following animals shall not be brought into, kept, maintained, offered for sale or barter, or released within the Town of Lusk: poisonous or venomous biting or injecting species of amphibian, arachnid or reptile. This prohibition does not prohibit any circus or other entertainment organization, educational facility or department of parks and recreation from keeping such animals where the animal is securely and humanely confined. (Adoption Ordinance 2019)

**9-5-280. Directing Dog With Malicious Intent Prohibited.** No person having control or custody of any dog or other animal shall direct, encourage, cause, allow, or otherwise aid or assist said animal to threaten, charge at, intimidate, bite, harass, menace, or attack any person within the Town. (Adoption Ordinance, 2004)

**9-5-290. Use of Dog in Illegal Activity Prohibited.** No person shall keep, maintain, control, or retain custody of any dog in conjunction with or for the purpose, whether in whole or in part, of aiding, abetting, or conducting any illegal activity or committing any crime within the Town. (Adoption Ordinance, 2004)

**9-5-300. Directing Dog with Malicious Intent Toward Public Safety Officer Prohibited.** It shall be unlawful for any person having control or custody of any dog or other animal to allow, direct, encourage, cause, or otherwise aid or assist such animal to threaten, charge, intimidate, bite, harass, menace, or attack any public safety officer engaged in the conduct of his/her duties. (Adoption Ordinance, 2004)

**9-5-310. Probable Cause to Impound Dog.** Any law enforcement officer having probable cause to believe that any person has violated §§ 9-5-280, 9-5-290, or 9-5-300 hereof may impound or cause to be impounded any such dog or other animal. Such impoundment shall be subject to all other sections of this chapter and all other municipal laws. (Adoption Ordinance, 2004)

**9-5-320. Declaration of Dogs as Dangerous and Potentially Dangerous.**

(a) The Animal Control Officer shall classify potentially dangerous dogs and dangerous dogs. The officer may find and declare an animal potentially dangerous or dangerous if the officer has probable cause to believe that the animal falls within the definitions set forth in § 9-5-100, based upon:

- (1) The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definitions of § 9-5-100.
- (2) Dog bites reports filed with the Town or law enforcement; or
- (3) Actions of the dog witnessed by any animal control officer or law enforcement officer; or
- (4) Other substantial evidence.

(b) The declaration of potentially dangerous dog or dangerous dog shall be in writing and shall be served on the owner in one of the following methods:

- (1) Certified mail to the owner's last known address; or
- (2) Personally; or
- (3) If the owner cannot be located by one of the first two methods, by publication in a newspaper of general circulation.

(c) The declaration shall state at least:

- (1) The description of the animal.
- (2) The name and address of the owner of the animal, if known
- (3) The whereabouts of the animal, if it is not in the custody of the owner.
- (4) The facts upon which the declaration of potentially dangerous dog is based.
- (5) The availability of a hearing in case the person objects to the declaration, if a request is made within 10 days.
- (6) The restrictions placed on the animal as a result of the declaration of potentially dangerous dog.
- (7) The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner.

(d) If the owner of the animal wishes to object to the declaration of potentially dangerous dog or dangerous dog:

- (1) The owner may request a hearing before the Town Council by submitting a written request and payment of a \$25 administrative review fee to the Town Clerk within 10 days of receipt of the declaration, or within 10 days of the publication of the declaration pursuant to this Section.
- (2) If the Town Council finds that there is insufficient evidence to support the declaration, it shall be rescinded, and the restrictions imposed thereby annulled.
- (3) If the Town Council finds sufficient evidence to support the declaration it shall stand. (Prior code 2-114, 1978)

**9-5-330. Dangerous Dog Permits and Fees.** Following a declaration of potentially dangerous dog or dangerous dog, the owner of a potentially dangerous dog or dangerous dog shall obtain a permit for such dog from the Town, and shall be required to pay an annual fee for such permit in an amount set from time to time by resolution of the Town Council. Should the owner of a potentially dangerous dog or dangerous dog fail to obtain a permit for such dog from the Town, the Animal Control Officer is authorized to seize and impound any such dog and, after notification to the owner, hold such dog a period of no more than five days before destruction of such dog. (Adoption Ordinance, 2004)

**9-5-340. Confinement of Dangerous Dogs.** Following a declaration of potentially dangerous dog or dangerous dog, it shall be unlawful for the person owning or harboring or having care of such potentially dangerous dog or dangerous dog to allow or permit such dog to be confined on the premises of such person or go beyond the premises of such person unless such dog is securely leashed and humanely muzzled or otherwise securely restrained. (Adoption Ordinance, 2004)

**9-5-350. Notification of Status of Potentially Dangerous Dogs and Dangerous Dogs.**

(a) The owner shall immediately notify the Animal Control Officer or any member of the Town administration when a dog which has been classified as potentially dangerous or dangerous:

- (1) Is loose or unconfined;
- (2) Has bitten a human being or attacked another animal;
- (3) Is sold or given away, or dies;
- (4) Is moved to another address.

(b) Prior to a potentially dangerous or dangerous dog being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the Town. The new owner shall comply with all of the requirements of this chapter. (Adoption Ordinance, 2004)

**9-5-360. Penalty for Violation.**

(a) Any person who violates a provision of this chapter shall, upon conviction thereof, be found guilty of a misdemeanor, and shall be punished as provided in § 2-35-100. In addition, any person found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog. Any potentially dangerous dog or dangerous dog which is in violation of the restrictions contained in this chapter or restrictions imposed as part of a declaration as a potentially dangerous dog or dangerous dog shall be seized and impounded. Furthermore, any potentially dangerous dog or dangerous dog which is in violation of restrictions placed on the dog and/or attacks a human being or domestic animal may be ordered destroyed when, in the court's judgment, such potentially dangerous dog or dangerous dog represents a continuing threat or serious harm to human beings or domestic animals.

(b) Any person violating any of the provisions of this chapter in the keeping or maintenance of any nuisance as herein defined shall, in addition to any other penalty provided for by order of the court in such action, be ordered to forthwith abate and remove such nuisance; and if the same is not done by such offender within 24 hours, the same shall be abated and removed under the direction of the officer authorized by the order of said court, which said order of abatement shall be entered upon the docket of said court and made a part of the judgment in said action.

(c) Any such person shall be liable for all costs and expenses of abating the same when such nuisance has been abated by any officer of the Town, which said costs and expenses shall be taxed as part of the costs of the prosecution against the party, liable to be recovered as other costs are recovered; and in all cases where the officer as authorized by the court shall abate



any such nuisance he shall keep an account of all expenses attending such abatement; and in addition to other powers herein given to collect such costs and expenses, the Town may bring suit for the same in any court of competent jurisdiction against the person keeping or maintaining the nuisance so abated. (Prior code 2-118, 1978)

**9-5-370. Duty to Quarantine.** It shall be the duty of the Animal Control Officer to cause to be quarantined any dog or cat within the Town which the officer has grounds to suspect of being infected with the disease of rabies or hydrophobia. The biting of a human being by a dog or cat causing penetration of the skin by the animal's teeth is specifically declared to be a ground for suspecting that such animal is so infected. (Adoption Ordinance, 2004)

**9-5-380. Quarantine; Notice to Owner.** A quarantine shall be initiated by delivering to the owner or keeper of such suspected animal a written notice of such quarantine which shall prescribe the duration of the quarantine period; provided that the period of the quarantine shall not exceed 10 days unless it is determined that the animal is infected with rabies. The delivery of the notice of quarantine to a responsible person present upon the premises where such animal is kept shall be considered service of the notice upon the owner or keeper. Any such animal so quarantined shall be impounded. (Adoption Ordinance, 2004)

**9-5-390. Handling of Animals Bitten by Rabid Animals.** When an animal is known to have been bitten by a rabid animal, the following procedures shall apply:

(a) Unvaccinated Animal. The animal shall be destroyed immediately; provided that, upon the election of the owner, said animal may be kept at its owner's expense in strict isolation in a kennel under veterinary supervision for a minimum period of six months following the bite.

(b) Vaccinated Animal. The animal shall be handled as follows:

(1) The animal shall be immediately revaccinated with an approved rabies vaccine and confined under the supervision of a veterinarian for a period of 30 days following revaccination; or

(2) If the animal is not immediately revaccinated, it shall be confined in strict isolation in a kennel for six months under the supervision of a veterinarian; or

(3) The animal shall be destroyed if the owner or keeper does not comply with subsections (1) or (2) above. (Adoption Ordinance, 2004)

**9-5-400. Animal Waste.**

A. Any person owning, keeping, possessing or harboring a dog or cat shall immediately remove and dispose of, in a sanitary manner, all feces left by said animal on any public property, and/or and private property which is not owned or lawfully occupied by said person.

B. Any person found guilty of violating any of the provisions of this ordinance shall, upon conviction, be subject to the penalties provided in §2-35-100.

C. Upon being cited for a "first offense" for violating any of the provisions of this ordinance such person may "forfeit" bond in the amount of \$50.00 in lieu of appearing in court, however, upon being cited for a second or subsequent offense such person "must appear" in municipal court on the date indicated on the citation. (Amended 2015).

**9-5-410. Maximum Number of Pets Allowed Per Residence.**

- (a) The maximum number of pets, specifically dogs and cats, allowed in a residence or on the lot or lots appurtenant to the residence, shall be three (3) dogs and three (3) cats.
- (b) Any person who violates this provision shall, upon conviction thereof, be found guilty of a misdemeanor and shall be punished as provided in §2-35-100 of the Lusk City Code.
- (c) Section 15-55-120 concerning maximum number of pets is hereby rescinded to avoid conflicting terms with this Ordinance. (Adoption Ordinance 2014)

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## TITLE 9

### ANIMALS

#### CHAPTER

#### 10

#### OTHER ANIMALS AND FOWL

##### Sections:

9-10-100	Keeping of Livestock Within the Town Forbidden; Penalty
9-10-110	Leaving Animals Unfastened Unlawful
9-10-120	Trespass Prohibited
9-10-130.	Impounding Animals at Large
9-10-140	Sale at Public Sale; Manner; Redemption
9-10-150	Excess of costs Go to Owner
9-10-160	Hindering or Obstructing of Officer Prohibited
9-10-170	Breaking Open Enclosure
9-10-180	Cruelty to Animals
9-10-190	Removal and Disposal of Dead Animals

##### **9-10-100. Keeping of Livestock Within the Town Forbidden; Permit Process and Annual Renewal; Penalty.**

(a) It shall be unlawful for any person or persons, firm or corporation to keep within the Town of Lusk any swine, chickens, geese, or other poultry, or any cows, goats, sheep, horses, or hived bees, or other livestock of any nature without first obtaining a permit to do so from the Town Clerk of the Town of Lusk. (Amended October 2020)

(b) A permit for the keeping of such livestock shall be issued subject to the following conditions:

(1) The person, firm, or corporation applying for permit must have a fenced enclosure of such quality as to adequately provide for the maintaining of said animals securely within its bounds.

(2) The enclosure must provide water and feed facilities for the proper care of said animals.

(3) The applicant must agree to keep the enclosures clean and in a sanitary condition, cleaning said facilities on a regular basis.

(4) The facilities must conform to all state and city regulations, ordinances, and laws relating to sanitary conditions and livestock maintenance. Hived Bees must be registered as to hive type, number, and location with the Department of Agriculture before a permit will be issued. (Amended October 2020)

(5) Before a permit is issued, every applicant for the same shall submit a written approval for such use signed by all landowners within 100 ft. of the property for which the application is filed, along with a permit fee of \$10.00. (Amended April 2024)

(6) The permit as provided herein shall be for a period of 12 months and must be renewed on an annual basis, provided however, that approval of all landowners

within 100 ft. of the property for which the renewal is requested shall not be required for renewals unless an objection or complaint has been filed with the Town of Lusk by a landowner within 100 ft. of the property. (Amended April 2024)

(c) Each day of continuous violation may be deemed a separate offense subject to the penalties as provided in § 2-35-100. (Ord. 2-210, 1979; Prior Code 2-201, 1978)

(7) Roosters SHALL NOT be allowed within the limits of the Town of Lusk at any time notwithstanding the granting of a permit for chickens. (Amended November 2022)

**9-10-110. Leaving Animals Unfastened Unlawful.** No person or persons shall leave any horse or horses, mule or mules, in any street, alley or open lot, on or within the corporate limits of the Town of Lusk, without first securely fastening such horse or horses, mule or mules, either to a suitable post, metal weight or other proper thing. (Prior Code 2-202, 1978)

**9-10-120. Trespass Prohibited; Restriction on Use of Main Street.** The owner or persons in charge of horses, dairy cows, or other animals being loosely driven through the streets of this Town, shall not permit such animal or animals to trespass upon private lots or grounds, nor shall such animals be so driven throughout the central portion of the Town, known as Main and First Streets. (Prior Code 2-203, 1978)

**9-10-130. Impounding Animals at Large.** If any such animal is found running at large contrary to the provisions of this chapter, the Animal Control Officer shall take up and confine such animal in a secure pen, pound, or such other place as the Officer may find appropriate, and no such animal so confined shall be released until the owner or custodian shall pay to the Town of Lusk the sum of \$5.00 for confining the animal and the sum of \$10.00 for each day or part of a day the animal is kept in custody. (Ord. 2-204; prior Code 2-204, 1978)

**9-10-140. Sale at Public Sale; Manner; Redemption.** If the owner or person entitled to the possession of any such animal taken up and confined as aforesaid, shall not within five days from the time it is so taken up and confined, pay the aforesaid charges and take it away, it shall be lawful for the said Animal Control Officer, and he is hereby authorized and empowered to sell at public sale said animal having given at least 10 days previous notice of the time and place of said auction sale, by posting the same in three public places in the Town of Lusk, and a copy of said notice shall be served upon the owner or the person entitled to the possession of said animal if known, at least five days before sale; but any such animal may be redeemed at any time before public sale, by payment of the officers fees, and the expenses and charges aforesaid. (Prior Code 2-205, 1978)

**9-10-150. Excess of Costs Go to Owner.** In case any animal sold pursuant to the provisions of this ordinance, shall be sold for more than sufficient to pay the fees and charges aforesaid, such excess shall be, by the officer making the sale, deposited with the Town treasurer, which shall be paid upon an order of the Town Council, to the owner or the person entitled to the possession of the same, upon claim and proper proof before said Town Council. (Prior Code 2-206, 1978)

**9-10-160. Hindering or Obstructing of Officer Prohibited.** It shall be unlawful for any person to hinder or obstruct or delay any officer or his assistants in taking any such animal

into custody. (Prior Code 2-207, 1978)

**9-10-170. Breaking Open Enclosure.** No person shall, directly or indirectly, break open or assist in breaking open any pen or enclosure, with the intention of releasing any animal confined therein pursuant to the provisions of this chapter. (Prior Code 2-208, 1978)

**9-10-180. Cruelty to Animals.**

- A. It shall be unlawful for any person to unnecessarily or cruelly beat, mutilate, maim or kill any animal. No person shall directly or indirectly commit cruelty to animals by failing to provide it with proper food, drink and protection from the weather or to abandon the animal or fail to provide proper health care.
- B. An animal control officer may lawfully interfere to prevent the perpetration of any act of cruelty upon an animal in his/her presence.
- C. A law enforcement officer or animal control officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied water; or neglected, abandoned or otherwise treated in a cruel manner. A law enforcement officer or animal control officer may deliver the animal to another person to be cared for and given medical attention. In all cases the owner or custodian of the animal, if known, shall be notified as soon as possible as to the removal of the animal and placement for care. The person or organization giving care to the animal shall be entitled to payment for such services and if the owner or custodian of the animal does not redeem the animal by paying such expenses it may be treated as abandoned.
- D. When, in the opinion of any law enforcement officer, animal control officer, or county health officer, an animal is suffering from distemper, parvo virus or other serious disease or is severely maimed and suffering from injury, it shall be lawful for such officer to euthanize the animal after consulting with a licensed veterinarian. An attempt shall be made to notify the owner of the animal before it is euthanized. In the event the animal is suffering to the extent that the officer determines it should be euthanized immediately to prevent further suffering he/she may do so without consulting the owner or custodian or a veterinarian. The owner shall not be entitled to damages for the euthanizing of the animal unless he can prove that such euthanization was unwarranted.
- E. If an animal is restrained or confined without food or water or proper attention, an officer may enter into and upon any property where the animal is restrained or confined and supply it with food, water and attention. If necessary for the health of the animal, the officer may remove and impound the animal. (Prior Code 2-209, 1978, Amended 2019)

**9-10-190. Removal and Disposal of Dead Animals.** It shall be the duty of the owner of any animal found dead within the Town of Lusk to remove such animal beyond the corporate limits of the Town of Lusk and to bury such animal, provided, that, if the Town of Lusk has designated a particular area for the burial of dead animals, the owner of any dead animal shall remove the dead animal to such designated area and bury the dead animal therein at the place designated by the administrative official in charge of such designated burial area. (Prior Code 2-210, 1978)

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## **TITLE 10**

### **STREETS AND PUBLIC ACCESS**

#### **Chapters:**

- 10-5 Streets and Sidewalks
- 10-10 Excavations
- 10-15 Conduct of Work
- 10-20 Sidewalks and Curbs
- 10-25 Driveways
- 10-30 Parades
- 10-40 Trees and Shrubs

## **CHAPTER 5**

### **STREETS AND SIDEWALKS**

#### **Sections:**

- 10-5-100 Street Names
- 10-5-110 Electric Poles, Posts.
- 10-5-120 Deposit of Petroleum Products on Streets
- 10-5-130 Obstructions on Streets; Sidewalks
- 10-5-140 Obstructions on Streets; Building Materials, Machinery
- 10-5-150 Cellar Doors, Pits
- 10-5-160 Closing Streets for Construction, Alteration
- 10-5-170 Cleated Tracks Or Lugged Wheels Prohibited Without Permit
- 10-5-180 Permit to Be Issued
- 10-5-190 Bond Required
- 10-5-200 Permittee to Pay Costs of Repair
- 10-5-210 Overweight and/or Over-Height Vehicles  
Prohibited on City Streets and Alleys

**10-5-100. Street Names.** The names of the streets of the Town of Lusk shall be designated by the Town Council. (Prior Code 20-101, 1978)

**10-5-110. Electric Poles, Posts.** No person shall encroach into or upon any of the sidewalks, streets or alleys of the Town of Lusk 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 Town Council. (Prior Code 20-102, 1978)

**10-5-120. Deposit of Petroleum Products on Streets.** No person shall drain or deposit upon any street, sidewalk, alley, park or public place or into any dump, gutter, catch basin, manhole, conduit, sewer, lake or waterway in the Town any tar, asphalt, gasoline, lubricating oil, greases, waste oil from automobile or truck crank cases or any by-product of petroleum. (Prior Code 20-104, 1978)

**10-5-130. Obstructions on Streets; Sidewalks.** No person shall have any obstruction upon the streets, sidewalks or alleys within the Town of Lusk except as provided by the provisions of this Code or other ordinances of the Town of Lusk. (Prior Code 20-105, 1978)

**10-5-140. Obstructions on Streets; Building Materials, Machinery.** 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, alley or sidewalks of the Town without first obtaining a permit from the Town of Lusk 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 20-106, 1978)

**10-5-150. Cellar Doors, Pits.** 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 passers-by will be in danger of falling into such cellar, pit, vault or other subterraneous opening. (Prior Code 20-107, 1978)

**10-5-160. Closing Streets for Construction, Alteration.** The Chief of Police 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. In closing such street, alley or public way, the Chief of Police shall cause to be erected appropriate barricades, signs and warnings sufficient to fairly apprise the public thereof. (Prior Code 20-108, 1978)

**10-5-170. Cleated Tracks Or Lugged Wheels Prohibited Without Permit.** No cleated track vehicle or vehicles with lugged wheels shall be permitted upon the streets, alleys, or sidewalks of the Town of Lusk at any time without a permit from the Town Council. (Prior Code 20-109, 1978)

**10-5-180. Permit to Be Issued.** The Town Council may issue a permit to operate cleated track vehicles or vehicles with lugged wheels upon such streets as the Town Council shall specify upon posting of the bond required in § 10-5-190. (Prior Code 20-110, 1978)

**10-5-190. Bond Required.** The Town Council shall require a bond to be posted by any person wishing to obtain a permit to operate vehicles referred to in § 10-5-170. The amount of the bond shall be sufficient to pay for all damages which may occur. The Town Council shall have the discretion to determine the amount of said bond. (Prior Code 20-111, 1978)

**10-5-200. Permittee to Pay Costs of Repair.** All repairs caused by the operation of vehicles referred to in § 10-5-170 shall be paid for by the permittee. (Prior Code 20-112, 1978)



**10-5-210. Overweight and/or Over-Height Vehicles Prohibited on City Streets and Alleys.** No vehicle (including tractor-trailer combinations), the total weight of which, regardless of the number of axles, loaded or unloaded, exceeds 117,000 pounds shall be permitted upon the streets and/or alleys of the Town of Lusk at any time. No vehicle or load on a vehicle exceeding a height of 18 feet shall be permitted upon the streets and/or alleys of the Town of Lusk at any time. The driver of any vehicle violating this ordinance shall be cited and subject to the penalty provisions of Lusk City Ordinance 2-35-100 and restitution for damages and costs of repair. The Lusk Public Works Director may grant exceptions to this Ordinance on a case by case basis if an emergency exists or the public interest will be served by the granting of an exception. The Public Works Director shall notify the Lusk Police Department if any exception is granted. (Adoption Code 2012)

**TITLE 10**  
**STREETS AND PUBLIC ACCESS**  
**CHAPTER 10**  
**EXCAVATIONS**

**Sections:**

10-10-100	Definitions
10-10-110	Inspections; Rules and Regulations
10-10-120	Permit Required; Annual Blanket Permit
10-10-130	Permit Application; Approved Application Becomes Permit
10-10-140	Barriers and Warning Devices for Safety
10-10-150	Crossings and Passageways for Pedestrians and Vehicles
10-10-160	Routing of Traffic; Closing of Streets
10-10-170	Emergency Excavations
10-10-180	Liability of Municipality and Municipal Employees

**10-10-100. Definitions.** For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Administrative authority." The official of the Town of Lusk vested with supervision of all public places in the Town of Lusk or his authorized representative.

(b) "Excavation." Any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a 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.

(c) "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 20-201, 1978)

**10-10-110. Inspections; Rules and Regulations.** The administrative authority shall make such inspections as are reasonable necessary in the enforcement of this article. The administrative authority shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonable necessary to enforce and carry out the intent of this chapter. (Prior Code 20-202, 1978)

**10-10-120. Permit Required; Annual Blanket Permit.**

(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 article. No permit to make an excavation or fill an excavation shall be issued except as provided in this chapter. 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.

(2) A person holding a franchise from the municipality.

(Prior Code 20-203, 1978)

**10-10-130. Permit Application; Approved Application Becomes Permit.**

(a) No excavation permit shall be issued unless an application for the issuance of an excavation permit is submitted to the administrative authority. 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.

(b) The application, when approved and signed by the administrative authority, shall constitute a permit. (Prior Code 20-204, 1978)

**10-10-140. 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) It shall be unlawful for any person to dig or maintain any cellars, pits or other excavation without providing adequate protection to persons and property in the form of barricades and warning devices.

(c) 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 6-101, 20-205, 1978)

**10-10-150. Crossings and Passageways for Pedestrians and Vehicles.** A permittee under this article 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 20-206, 1978)

**10-10-160. Routing of Traffic; Closing of Streets.** A permittee under this chapter 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 general public; provided, that the administrative authority may permit the closing of streets and alleys to all traffic for a period of time prescribed by him, if in his opinion it is necessary. (Prior Code 20-207, 1978)

**10-10-170. Emergency Excavations.** Nothing in this chapter 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 20-208, 1978)

**10-10-180. Liability of Municipality and Municipal Employees.** This chapter shall not be construed as imposing upon the Town of Lusk of 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 Town of Lusk or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized under this chapter, the issuance of any permit or the approval of any excavation work. (Prior Code 20-209, 1978)

## TITLE 10

### STREET AND PUBLIC ACCESS

#### CHAPTER 15

#### CONDUCT OF WORK

##### Sections:

10-15-100	Prompt Completion of Work and Restoration Required
10-15-110	Work to Be Done 24 Hours Per Day
10-15-120	Inconvenience to General Public
10-15-130	Interference With Access to Fire Hydrants
10-15-140	Relocation and Protection of Facilities
10-15-150	Protection of Adjoining Property
10-15-160	Care of Lawn Areas; Removal of Trees and Shrubs From Parking Strip Areas
10-15-170	Breaking Through Pavement
10-15-180	Disposition of Materials From Excavation
10-15-190	Removal of Debris
10-15-200	Gutters to Be Kept Free and Unobstructed
10-15-210	Disposal of Muck, Silt
10-15-220	Backfilling
10-15-230	Restoration of Surface

**10-15-100. Prompt Completion of Work and Restoration Required.** After an excavation is commenced, the permittee under this chapter 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 20-210, 1978)

**10-15-110. Work to Be Done 24 Hours Per Day.** If in his 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 men and adequate facilities be employed by the permittee 24 hours a day to the end that such excavation work may be completed as soon as possible. (Prior Code 20-211, 1978)

**10-15-120. Inconvenience to General Public.** Each permittee under this chapter 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 measure to reduce, to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris, and, during the hours 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 chapter, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of neighboring property. (Prior Code 20-212, 1978)

**10-15-130. Interference With Access to Fire Hydrants.** All excavation work under this chapter 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 20-213, 1978)

**10-15-140. Relocation and Protection of Facilities.** A permittee under this chapter 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. No facility owned by the Town of Lusk 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 makes other arrangements with the person owning the facility. 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 bond shall be liable therefor. 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 as to the existence and location of all underground facilities and protect the same against damage. (Prior Code 20-214, 1978)

**10-15-150. Protection of Adjoining Property.**

(a) A permittee under this chapter shall at all times and at his 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 cannot obtain a license from such owner, the administrative authority may authorize him to enter the private premises solely for the purpose of making the property safe.

(b) The permittee shall, at his 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 failure to properly protect and carry out such work. (Prior Code 20-215, 1978)

**10-15-160. Care of Lawn Areas; Removal of Trees and Shrubs From Parking Strip Areas.**

(a) Whenever it may be necessary for a permittee under this chapter 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 Town Council. (Prior Code 20-216, 1978)

**10-15-170. 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 center line 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.

(j) A permittee under this chapter shall not be required to repair damage existing prior to excavation done by him unless his cut results in small floating sections that may be unstable, in which case the permittee shall remove and pave the area. (Prior Code 20-217, 1978)

**10-15-180. Disposition of Materials From Excavation.** 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. 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 chapter haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. (Prior Code 20-218, 1978)

**10-15-190. Removal of Debris.** 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. All cleanup 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 own expense, clean up and remove all refuse and unused material of any kind from such work. (Prior Code 20-219, 1978)

**10-15-200. Gutters to be Kept Free and Unobstructed.** A permittee under this chapter 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 20-220, 1978)

**10-15-210. Disposal of Muck, Silt.** A permittee under this chapter 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 20-221, 1978)

**10-15-220. Backfilling.** Fine material, free from lumps and stone, shall be thoroughly compacted around and under the substructure to the upper level of such substructure. 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. Broken pavement, large stones, roots and other debris shall not be used in the backfill. 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. 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 20-222, 1978)

**10-15-230. 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 20-223, 1978)



**TITLE 10**  
**STREETS AND PUBLIC ACCESS**  
**CHAPTER 20**  
**SIDEWALKS AND CURBS**

**Sections:**

10-20-100	Duty of Adjoining Landowners
10-20-110	Orders to Construct; Form and Contents
10-20-120	Orders to Construct; Criteria for Issuance
10-20-130	Orders to Construct; Service on Landowner
10-20-140	Commencement of Work After Service of Order
10-20-150	Construction by Town of Lusk; Collection of Cost
10-20-160	Disposition of Money Collected From Landowners

**10-20-100. Duty of Adjoining Landowners.** All owners of land adjoining any street, road, alley or other public way in the town of Lusk 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 Town Council. (Prior Code 20-301, 1978)

**10-20-110. Orders to Construct; Form and Contents.** 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 Town Council 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 20-302, 1978)

**10-20-120. Orders to Construct; Criteria for Issuance.** 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 town of Lusk, the public safety, convenience and general welfare will be served by the construction, reconstruction or repair of such sidewalks and curbs. (Prior Code 20-303, 1978)

**10-20-130. Orders to construct; Service on Landowner.** The written order provided for in § 10-20-110 shall be served personally upon the property owner, if he is to be found within the Town of Lusk, by the Chief of Police or some member of the police force designated by the Chief of Police to make such service. Service shall be by registered or certified mail if the owner lives outside the Town of Lusk and his address is known; otherwise,

such order shall be published once in a newspaper of general circulation published in the Town of Lusk. (Prior Code 20-304, 1978)

**10-20-140. Commencement of Work After Service of Order.** When an order has been served, mailed or published, as provided for in § 10-20-140, 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 20-305, 1978)

**10-20-150. Construction by Town of Lusk; Collection of Cost.** In the event an owner fails to proceed as provided in § 10-20-140, the Town of Lusk shall proceed without delay to cause the sidewalks or curb to be constructed, reconstructed or repaired, paying for the cost thereof out of available funds of the Town of Lusk 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 20-306, 1978)

**10-20-160. Disposition of Money collected From Landowners.** All money collected and returned to the Town of Lusk under the provisions of § 10-20-150 shall be credited to the fund from which payment for the construction, reconstruction or repair of sidewalks or curbs was made. (Prior Code 20-307, 1978)

## TITLE 10

### STREETS AND PUBLIC ACCESS

#### CHAPTER 25

#### DRIVEWAYS

##### Sections:

10-25-100	Definitions
10-25-110	Compliance With Chapter
10-25-120	Permits; Required
10-25-130	Permits; Application
10-25-140	Plans to Comply With Other Municipal Regulations
10-25-150	Compliance With Municipal Standards and Specifications
10-25-160	Location
10-25-170	Dimensions
10-25-180	Single Ownership
10-25-190	Numbers Limited
10-25-200	Waiver of Location and Size Requirements

**10-25-100. Definitions.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) “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.

(b) “Change of use.” Any change of purpose for which any land, building or structure is occupied, maintained, arranged, designed or intended.

(c) “Parking strip.” The space between the street roadway or curb line and the property line, with the exception of the sidewalk area.

(d) “Roadway.” The paved, improved or proper driving portion of a street, designed and ordinarily used for vehicular traffic.

(e) “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.

(f) “Street.” Any street, alley or other public place within the Town of Lusk. (Prior Code 20-401, 1978)

**10-25-110. Compliance With Chapter.** 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 chapter. (Prior Code 20-402, 1978)

**10-25-120. 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 Town of Lusk

without a written permit first having been obtained from the Town Council. (Prior Code 20-403, 1978)

**10-25-130. Permits; Application.** Any party requesting a permit required by § 10-25-120 shall file a written application therefor with the Town Council. Such application shall include:

- (a) The name and address of the applicant.
- (b) The name and address of the owner of the property abutting the street where the work is proposed.
- (c) The exact location of the proposed work, giving the street address or legal description of the property involved.
- (d) 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.
- (e) The location of buildings, loading platforms or off-street parking facilities being served or to be served by such driveways.
- (f) The Town Council 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 20-404, 1978)

**10-25-140. Plans to comply With Other Municipal Regulations.** No plan shall be approved nor a permit under this chapter 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 Town of Lusk; nor shall issuance of a permit under this article be construed as a waiver of the provisions of this Code or other ordinance requirements. (Prior Code 20-405, 1978)

**10-25-150. Compliance With Municipal Standards and Specifications.** All construction outlined in this article shall be performed in accordance with the standard plans and specifications of the Town of Lusk, and shall be performed to the satisfaction of the Town Council through its authorized employees and representatives. (Prior Code 20-406, 1978)

**10-25-160. Location.** Every driveway hereafter constructed or altered in street right-of-ways shall conform to the following regulations:

- (a) **Location.** No driveway shall be located so as to create a hazard to pedestrians or motorists or invite or compel illegal or unsafe traffic movements.
- (b) 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.
- (c) 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.
- (d) 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. (Prior Code 20-407, 1978)

#### **10-25-170. Dimensions.**

(a) Except as otherwise provided in this article, the width of any driveway shall not exceed 35 feet, exclusive of the radii of the returns, the measurement being made parallel to the center line of the street roadway. Where driveways are to enter on courts or alleys having 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 Town Council.

(b) The width of any driveway shall not be less than 10 feet, exclusive of the radii of the returns, the measurement being made at right angles to the center of the driveway.

(c) Except as otherwise provided in section (a) of this subsection, the total width of all driveways for any one ownership on a street shall not exceed 50 percent of the frontage of that ownership along the street. Any driveway which has become abandoned or unused through a change of the condition 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 §§ 10-20-100 to 10-20-160.

(d) The radius for any driveway return shall be five feet, unless otherwise directed by the Town Council.

(e) The angle between any driveway and the street roadway or curb line shall not be less than 45 degrees. (Prior Code 20-407, 1978)

#### **10-25-180. Single Ownership.**

(a) Whenever in a single ownership the total width of existing driveways on a street is over 50 percent of the frontage of the ownership of that street, such existing driveways shall be made to conform to the provisions of this chapter in the event of any of the following changes:

(1) Any alteration or repair of such existing driveways in excess of 25 percent 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 percent of the frontage on which the driveways are to be altered or repaired, when the ownership has frontage on two or more streets.

(3) Any change of use of the ownership.

(b) Upon the alteration or repair of any one or more of the driveways as aforesaid, the Town Council may require 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.

(c) 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 Title 15 of this Code, 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. (Prior Code 20-407, 1978)

**10-25-190. Number Limited.** 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 requirement of off-street parking or loading, as may be required by Title 15 of this Code, 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. (Prior Code 20-407, 1978)

**10-25-200. Waiver of Location and Size Requirements.** In the event the Town Council should determine that, in the application of the provisions of this chapter to the use of any property, there is created an undue hardship, the Town Council may, through action in regular meeting, grant an exception to the property owner insofar as complying with the provisions of this chapter is concerned. (Prior Code 20-408, 1978)

**TITLE 10**  
**STREETS AND PUBLIC ACCESS**  
**CHAPTER 30**  
**PARADES**

**Sections:**

10-30-100	Definitions
10-30-110	Exemptions From Chapter
10-30-120	Duties of Permittees Generally
10-30-130	Public Conduct During Parades
10-30-140	Permit Required
10-30-150	Permit Applications
10-30-160	Permit Fees
10-30-170	Standards for Issuance of Permit
10-30-180	Action on Permit Application
10-30-190	Appeals; Denial of Permit
10-30-200	Alternative Permits
10-30-210	Notice of Issuance to Town Officials
10-30-220	Contents of Permit
10-30-230	Possession During Parade
10-30-240	Revocation of Permit

**10-30-100. Definitions.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) **Parade.** Any parade, march, ceremony, show, exhibition, pageant or procession of any kind or any similar display in or upon any street, park or other public place in the Town of Lusk.

(b) **Parade permit.** A permit as required by this chapter.  
(Prior Code 15-101, 1978)

**10-30-110. Exemptions From Chapter.** The provisions of this chapter shall not apply to:

- (a) Funeral processions;
- (b) Students going to and from school classes or participating in educational activities; provided, that such conduct is under the immediate direction and supervision of the proper school authorities;
- (c) A governmental agency acting within the scope of its functions. (Prior Code 15-102, 1978)

**10-30-120. Duties of Permittees Generally.** A permittee under this chapter shall comply with all permit directions and conditions and with all applicable provisions of this Code, other ordinances of the Town of Lusk and laws of the state. (Prior Code 15-103 1978)

### **10-30-130. Public Conduct During Parades.**

(a) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) No driver of a vehicle, street car or trackless trolley shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) The Chief of Police shall have the authority when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter. (Prior Code 15-104, 1978)

**10-30-140. Permit Required.** No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the Chief of Police. (Prior Code 15-201, 1978)

### **10-30-150. Permit Applications.**

(a) **Filing.** A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer. An application for a parade permit shall be filed with the chief of Police not less than five days before the date on which it is proposed to conduct the parade.

(b) **Contents.** The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade;

(2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(4) The date when the parade is to be conducted;

(5) The route to be traveled, the starting point and the termination point;

(6) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and descriptions of the vehicles;

(7) The hours when such parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;

(9) The location by streets of any assembly areas for such parade;

(10) The time at which units of the parade will begin to assemble at any such assembly area or areas;

(11) The interval of space to be maintained between units of such parade;

(12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf;



(13) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should issue.

(c) **Late applications.** The Chief of Police, where good cause is shown therefor, shall consider any application hereunder which is filed less than five days before the date such parade is proposed to be conducted. (Prior Code 15-202, 1978)

**10-30-160. Permit Fees.** No fee shall be charged for the issuance of a parade permit. (Prior Code 15-203, 1978)

**10-30-170. Standards for Issuance of Permit.** The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

(a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(b) The conduct of the parade will not require the diversion of so great a number of police officers of the Town of Lusk to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the Town of Lusk;

(c) The conduct of such parade will not require the diversion of so great a number of ambulances to prevent normal ambulance service to portions of the Town of Lusk other than that to be occupied by the proposed line of march and areas contiguous thereto;

(d) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection to, or ambulance service to, areas contiguous to such assembly areas;

(e) The conduct of such parade will not interfere with the movement of fire fighting equipment enroute to a fire;

(f) The conduct of the parade is not reasonably likely to cause a clear and present danger of injury to persons and property.

(g) The parade is scheduled to move from its point or origin to its point of termination expeditiously and without unreasonable delays enroute;

(h) The parade is not to be held for the sole purpose of advertising any product, goods or event and is not designed to be held purely for private profit. (Prior Code 15-204, 1978)

**10-30-180. Action on Permit Application.** The Chief of Police shall act upon the application for a parade permit within two days after the filing thereof. If the Chief of Police disapproves the application, he shall mail the applicant within two days after the date upon which the application was filed, a notice of his action, stating the reason for his denial of the permit. (Prior Code 15-205, 1978)

**10-30-190. Appeals; Denial of Permit.** Any person aggrieved shall have the right to appeal the denial of a parade permit to the Town Council. The appeal shall be taken within one day after notice. The Town Council shall act upon the appeal within two days after its receipt. (Prior Code 15-206, 1978)

**10-30-200. Alternative Permits.** The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an

alternate permit shall, within two days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this chapter. (Prior Code 15-207, 1978)

**10-30-210. Notice of Issuance to Town Officials.** Immediately upon the issuance of a parade permit, the Chief of Police shall send a copy thereof to the following:

- (a) Town Clerk
  - (b) The attorney for the Town of Lusk
  - (c) The Fire chief
  - (d) Each of the members of the Town Council
- (Prior Code 15-208, 1978)

**10-30-220. Contents of Permit.** Each parade permit shall state the following information:

- (a) Starting time;
- (b) Minimum speed;
- (c) Maximum speed;
- (d) Maximum interval of space to be maintained between the units of the parade;
- (e) The portions of the streets to be traversed that may be occupied by the parade;
- (f) The maximum length of the parade in miles or fractions thereof;
- (g) Such other information as the Chief of Police shall find necessary to the enforcement of this chapter. (Prior Code 15-209, 1978)

**10-30-230. Possession During Parade.** The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade. (Prior Code 15-210, 1978)

**10-30-240. Revocation of Permit.** The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon violation of the standards for issuance as herein set forth. (Prior Code 15-211, 1978)

**TITLE 10**  
**STREETS AND PUBLIC ACCESS**  
**CHAPTER 40**  
**TREES AND SHRUBS**

**Sections:**

10-40-100	Maintenance of Trees and Shrubs
10-40-110	Enforcement

**10-40-100. Maintenance of Trees and Shrubs.**

A. **Maintenance By Owners of Occupants.** All trees and shrubs planted, grown, cultivated, or maintained or permitted to grow on city property between any property line, and the street adjacent thereto shall be kept, maintained and trimmed by the owner or occupant of the adjacent property between any property line, and the street adjacent there to shall be kept, maintained and trimmed by the owner or occupant of the adjacent property so as not to obstruct traffic, interfere with the visibility of traffic or pedestrians, or cause any unsafe condition for vehicular or pedestrian traffic.

B. **Minimum Height Over Streets and Sidewalks.** The lowest branch of any tree shall not be less than eight feet above the ground where the same extends over the sidewalks, or any trees where limbs or branches shall extend over the streets, driveways or any place where traffic passes under such tree or branch within fourteen feet above the surface of the street; provided however, this section does not apply to trees planted and maintained by the Town of Lusk on Cedar (Main) Street.

C. **Maintenance by Town Departments.** The departments of the Town of Lusk (Cemetery & Parks, Streets, Electrical, Water and Sewer) shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, parks and other private or public property as may be necessary to insure public safety, to minimize the potential for damage to vehicles and equipment, to prevent damages to electric, water or sewer lines or facilities. The said departments may cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to electric lines, sewer lines, water lines, or other public improvements, or is infected with any injurious fungus, insect or other pest.

**10-40-110. Enforcement.**

A. **Interference with Town Departments.** It is unlawful for any person to prevent, delay or interfere with the various departments of the Town of Lusk, or any of its agents, while engaging in the planting, cultivating, mulching, pruning, spraying, or removing of any street

trees, park trees, or trees on public or private grounds, as authorized in this ordinance.

B. **Review by Town Council.** The city council shall have the right to review the conduct, acts and decisions of the department heads. Any person may appeal any ruling or order of the various departments to the city council, who may hear the matter and make a final decision.

C. **Penalty.** Any person violating any provision of this ordinance shall, upon conviction or a plea of guilty, be subject to a fine not to exceed seven hundred and fifty dollars (\$750.00) and applicable court costs. (Adopted; July 7<sup>th</sup>, 2009)

## TITLE 11

### UTILITIES

#### Chapters:

- 11-5 Garbage
- 11-10 Landfill
- 11-15 Sewers and Sewage Disposal
- 11-20 Water
- 11-25 Electricity
- 11-26 Equal Pay

### CHAPTER 5

#### GARBAGE

#### Sections:

- 11-5-100 Definitions
- 11-5-110 Maintenance of Premises
- 11-5-120 Containers; Design; Placement and Usage
- 11-5-130 Containers
- 11-5-140 Tree Limbs, ETC
- 11-5-150 Rocks, Dirt, Building Material
- 11-5-160 Moist Garbage
- 11-5-170 Preparation of Materials for Collection; Placement
- 11-5-180 Heavy Appliances; Automobile Parts
- 11-5-190 Manner and Time of Collection
- 11-5-200 Garbage and Refuse Collection Rates
- 11-5-210 Dumpster Rental

**11-5-100. Definitions.** For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

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

(b) "Refuse." Combustible and noncombustible discarded materials including, but not limited to, paper, wood, glass, metal and cloth products, yard trimmings, tree branches, furniture, bedding, building materials, leaves, ashes and solid wastes resulting from industrial and manufacturing processes. (Prior Code 18-101, 1978)

#### **11-5-110. Maintenance of Premises.**

(a) It shall be the duty of the owner, agent, tenant, purchaser, contractor or lessee of any premises within the Town of Lusk including places of business, dwelling houses, apartments, tenements, construction sites or other establishments, at all times, to maintain the

premises in a clean and orderly condition, permitting no deposit or accumulation of materials other than those necessary or ordinarily attendant upon construction or upon the use for which such premises are legally intended. Any such accumulation is hereby declared to constitute a nuisance and a nonconforming use of the premises.

(b) All such persons, where cooking or eating is done, shall provide and keep at their expense, at all times, garbage cans which are suitable for the purpose of holding all garbage and refuse without running over. (Prior Code 18-102, 1978)

**11-5-120. Containers; Design; Placement and Usage; Violation.**

(a) **Residential.** All containers used for garbage or refuse in residential areas shall be galvanized iron, rubber, plastic, or other material cans sold as garbage containers. Containers shall not exceed 30-gallon capacity, shall not weigh more than 25 pounds, and shall have tight fitting lids which shall not be attached to the container. All garbage placed in qualified containers that are larger or heavier or that have attached lids shall be bagged in order to allow easy removal of garbage without necessity of lifting the container.

(b) **Commercial or Residential Dumpsters.** The Lusk Public Works Director is hereby authorized, empowered and directed to designate how many and where dumpster type containers shall be required and/or authorized for the containment of garbage and refuse rather than can type containers. The location and placement of dumpsters shall be in the sole discretion of the Lusk Public Works Director. All dumpsters shall be purchased from the Town of Lusk. Dumpsters shall be identified by a number stamped on the dumpster and a record of the business, individual or joint users owning each dumpster shall be kept at the Town office. Dumpsters shall remain where placed and shall not be removed or transferred to another location without express authority of the Lusk Public Works Director. Sale of Dumpsters to third persons shall only be made with consent of the Public Works Director.

(c) **Use Restricted to Owners.** No person, firm, company, or corporation shall deposit garbage or refuse in any can or dumpster unless that person or entity has an account with the Town of Lusk which includes a charge for garbage pick-up and is current. **No person, firm, company, or corporation shall deposit garbage or refuse in a can or dumpster which is not owned by them.**

(d) **Requirement that All Garbage and Refuse be Contained.** In the event garbage or refuse is not satisfactorily contained in a dumpster to the extent refuse blows away, the Public Works Director shall have authority to require that those dumpster lids be latched at all times.

(e) Any person, firm, company, or corporation violating any part of this ordinance shall, upon conviction, be guilty of a misdemeanor punishable by a fine and costs as provided in Ordinance 2-35-100 Lusk Municipal Ordinances.

(Amended January 2014; Amended July 2022).

**11-5-130. Containers.** All garbage and refuse cans shall be kept at some proper and accessible place within easy reach of the collector. Such cans shall be secured in such manner as to provide reasonable security against being overturned by animals wind or other causes. (Prior Code 18-104, 1978)

**11-5-140. Tree Limbs, ETC.** Tree limbs, branches, leaves, grass clippings, garden waste (including vegetables, leaves, stocks) and wood products used in construction, will **NOT** be picked up by the municipal garbage truck, but must be removed to the municipal landfill by the owner or tenant of the premises where the same is generated, except at such designated times as "Town Clean-up Week" when Town crews will remove the same. (Prior

Code 18-105, 1978; amended code 11-5-140, 2004; Amended January 2014)

**11-5-150. Rocks, Dirt, Building Material.** Rock, stone, brick, concrete, dirt, shingles, sheetrock, flooring material (such as, but not limited to, carpet, tile, linoleum, laminates, and composites) shall not be permitted to be placed in any containers or dumpsters. All such materials shall be taken to the Solid Waste Transport Station for disposal. It shall be unlawful to place such materials in trash containers or dumpsters and any person, firm, company, or corporation shall, upon conviction, be guilty of a misdemeanor punishable by a fine and costs as provided in Ordinance 2-35-100 Lusk Municipal Ordinances. (Prior Code 18-106, 1978; Amended July 2022)

**11-5-160. Moist Garbage.** Moist garbage which is capable of adhering to the bottom and inside of the garbage can so as to form a mass in which flies and other insects may breed and flourish and from which foul or offensive odors may emanate or which otherwise tends to become unwholesome and unhealthful, shall be bagged in plastic garbage bags with the tops securely tied. (Prior Code 18-107, 1978)

**11-5-170. Preparation of Materials for Collection; Placement.** All materials prepared for collection shall be placed on private property adjacent to the alleyway where such exists, or at the lot line of the street on all lots not contiguous to an adjacent alleyway in such a manner as to be readily accessible for collection. Such materials shall not be permitted to remain at the lot line of the street for more than 24 hours unless completely housed in a decorative enclosure. (Prior Code 18-108, 1978)

**11-5-180. Heavy Appliances; Automobile Parts.** Heavy appliances, automobile parts and other waste materials not reducible to the weight and size limits required for removal by the Town of Lusk shall be rendered in a safe condition and it shall be the responsibility of the owner to remove such articles immediately to the municipal waste disposal facility; but if such article is not allowed in the municipal land fill pursuant to § 11-10-100(c), then the same shall be removed by the owner to a private collection facility. (Prior Code 18-109, 1978)

**11-5-190. Manner and Time of Collection.** The municipal official in charge of the collection of garbage and refuse is hereby empowered to prescribe such rules and regulations as he may deem proper, not inconsistent with this chapter, to govern the manner and time for the collection, removal and disposition of all garbage and refuse. (Prior Code 18-110, 1978)

**11-5-200. Garbage and Refuse Collection Rates.**

(a) The following garbage and refuse collection rates shall be levied against the holder of each and every water or electric meter account. Provided, however, that owners or occupants of single buildings or premises having multiple meter accounts may be assessed the collection charge on less than the total meter accounts, depending on the circumstances, but in any event not less than the charge for one meter account.

(b) The governing body of the Town of Lusk shall determine which category shall apply as to any particular use, and is empowered to levy special rates to designated high volume users.

(c) Categories and effective rates: (reflecting the annual 2% increase per Ordinance as of July 1, 2018):

(1) Residential, in town limits:..... \$27.47 per month

(as of July 1, 2024) (\$33.12 for dumpsters)

- (2) Residential, outside town limits:..... \$30.88 per month  
(as of July 1, 2024) (\$36.50 for dumpsters)
- (3) Commercial, in town limits:..... \$30.88 per  
month (as of July 1, 2024) (\$36.50 for dumpsters)
- (4) Commercial, outside town limits:..... \$46.07  
per dumpster per month (as of July 1, 2024)
- (5) Service and gasoline stations, motels.  
hotels, campgrounds, Headstart: ..... \$39.88  
per dumpster, per month (as of July 1, 2024)
- (6) Restaurants, cafes, grocery stores,  
Yes Way, Dollar Store: ..... \$52.27  
per dumpster, per month (as of July 1, 2024)
- (7) Wyoming Women's Center:..... \$52.27  
per dumpster per month (as of July 1, 2024)
- (8) Lusk Housing Authority:..... \$262.87  
per month (as of July 1, 2024)
- (9) Ranger Apartments:..... \$250.47  
per month (as of July 1, 2024)
- (10) Royal Apartments:..... \$145.74  
per month (as of July 1, 2024)
- (11) Extra weekend dumpster pick-up by request: .... \$46.70  
per dumpster or to correspond with current rate.

(d) Recycling Rate (to be levied against the holder of every water or electric account).

- (1) Residential.....\$5.00 per month
- (2) Commercial .....\$5.00 per month
- (3) Motels, gasoline & service stations,  
campgrounds, Headstart .....\$5.00 per month
- (4) Restaurants, cafes, grocery stores,  
Yes Way, Dollar Store .....\$5.15 per month



- (5) Wyoming Women's Center.....\$15.00 per month
- (6) Lusk Housing Authority.....\$18.30 per month
- (7) 7 day with Dumpster .....\$6.90 per month
- (8) Ranger Apartments.....\$50.00 per month
- (9) Royal Apartments.....\$25.00 per month

**Section Two:** From and after fiscal year 2018 a 2% increase will be added annually to all accounts until otherwise ordained by the governing body of the Town of Lusk. (Amended 2018, Amended 2014, Ord. 18-112, 1980; Prior Code 18-11, 18-112, 1978)

**11-5-210. Dumpster Rental.** Individuals, firms, or corporations may lease a Town of Lusk dumpster upon a deposit of twenty-five (\$25.00) Dollars with the Town Clerk. The \$25.00 fee shall constitute rental for one (1) week and shall include one free dumping by the Town personnel. The dumpster rental period shall be strictly limited to one week and may only be extended upon consent of the Street Department Head and a deposit of \$25.00 for each extended week. Regardless of extensions, the event the dumpster is dumped more than once, a dumping fee of \$25.00 will be charged for each additional dumping, which fee shall be in addition to any extension fees. (Adoption Code 2011)

## TITLE 11

### UTILITIES

#### CHAPTER 10

##### SOLID WASTE TRANSFER STATION

##### Sections:

- 11-10-100 Effective Dumping Fees and Prohibitions
- 11-10-110 Limbs, Branches, Clean Wood
- 11-10-120 Rules and Regulations
- 11-10-130 Amending Fees
- 11-10-140 Use of Other Places for Disposal of Garbage, Refuse, or Other Materials Strictly Prohibited

##### **11-10-100. Effective Dumping Fees and Prohibitions:**

(a) Fees for dumping at the Lusk Municipal Solid Waste Transport Station shall be as follows:

- (1) Pick-up loads, two wheel and tandem axel trailers not exceeding 16' in length: **\$10.00 minimum or by load weight, whichever is greater**. All loads shall be weighed before and after dumping. Load weight will be charged at the minimum or at the rate of **\$0.10 per pound** whichever is greater.
- (2) Tires 17" and under: **\$5.00 per tire**
- (3) Tires 17" to 20": **\$10.00 per tire**
- (4) Tires over 20": **Contact Town Hall for Price**

(b) Pickups shall be ½ Ton, ¾ Ton, or 1 Ton. Dump Trucks, Tractor-Trailer, and Trucks larger than 1 Ton are prohibited. Trailers larger than 16' in length are prohibited.

- (c) Tires must be separated from rims or will not be accepted.
- (d) Automobiles, televisions, air conditioners, paint, asbestos, or any toxic or hazardous materials are prohibited.
- (e) All loads shall be secure for transport to the Solid Waste Transport Station by rope, straps, tarp, or other manner so that materials cannot be subject to falling out during transport. A fee of \$10.00 shall be assessed in addition to the load charge to anyone failing to properly secure load.
- (f) A recycling fee of \$5.00 shall be charged on all electric bills within the Town of Lusk.

**11-10-110. Limbs, Branches, Clean Wood.** Limbs, branches, and clean wood (i.e. wood free from nails, screws, and metals) may be dumped at the Lusk Municipal Landfill at designated hours. Days and Times shall be determined by Town Personnel supervising the landfill.

**11-10-120. Rules and Regulations.** The Governing Body of the Town of Lusk may, by Resolution, promulgate such other and further rules and regulations for the operations of the Solid Waste Transfer Station and its use by the Public.

**11-10-130. Amending Fees.** The Governing Body of the Town of Lusk may amend the dumping fees at the Solid Waste Transfer Station from time to time.

**11-10-140. Use of Other Places for Disposal of Garbage, Refuse or Other Materials Strictly Prohibited.** It shall be unlawful for any person to dump garbage, refuse, or waste materials of any kind in places within the Town of Lusk other than where and in the manner as provided in this Chapter. Any person violating this Ordinance shall upon conviction pay the fines and costs provided for in the General Penalty Provisions of the Lusk Municipal Code. (Amended Ordinance, April 2017)

## TITLE 11

### UTILITIES

#### CHAPTER 15

#### SEWERS AND SEWAGE DISPOSAL

##### Sections:

11-15-100	Definitions
11-15-110	Adoption of Additional Regulations
11-15-120	Powers and Duties of Administrative Officials
11-15-130	Permit Required for Alteration of Service Lines
11-15-140	Separate Service Line Required for Each Property
11-15-150	Sand and Grease Traps Required
11-15-160	Depositing Injurious Material Into System
11-15-170	Required Connection Exceptions
11-15-180	Connections to Be Made Before Paving Adjacent Streets
11-15-190	Permit Required
11-15-200	Permit Application
11-15-210	Permit Contents; Fees
11-15-220	Permit; Types Issued
11-15-230	Plumbing to Be Inspected Before Connections Are Made
11-15-240	Connection of Water Drains, Downspouts
11-15-250	Service Lines; Dimensions and Material Requirements
11-15-260	Service Lines; Backfilling of Trenches
11-15-270	Service Lines; Maintenance of Inside
11-15-280	Property Owner Responsible for Cost of Installing, Repairing
11-15-290	Method and Specifications for Making Connections to Sewer Mains
11-15-300	Town of Lusk's Participation in Bearing Cost of Larger Mains
11-15-310	Construction of Sewers in Subdivisions
11-15-320	Subdivider to Install Mains
11-15-330	Mains to Be Extended to Farthest Points of Upgrade
11-15-340	Construction of Sewers in Subdivisions; Undeveloped Areas
11-15-350	Extension of Sewer Property Not Part of a Subdivision
11-15-360	Nongravity Lines; Pumping Stations
11-15-370	Force Mains Serving Areas Not Otherwise Able to Enter Sewer Utility
11-15-380	Tie Into Gravity Lines
11-15-390	Extension of Service Outside Town of Lusk
11-15-400	Findings Prerequisite to Agreement
11-15-410	Sewer Rates

**11-15-100. Definitions.** For the purpose of this chapter, the following words and phrases shall have the meanings respectively described to them by this section:

(a) “Residence.” The term “residence,” as used in this title shall mean living quarters of less than three units.

(b) “Sewer service line.” The sewer line running from the municipal sewer main to the structure or property to be served.

(c) “Sewer utility.” All sanitary sewers, sewage treatment works, equipment, materials 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; provided, that a sewer service line shall be regarded as the property of the owner of such structure or property served. ( Prior Code 19-101, 1978)

**11-15-110. Adoption of Additional Regulations.** The administrative official may, from time to time, promulgate such rules and regulations as he 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 19-102, 1978)

**11-15-120. Powers and Duties of Administrative Officials.** The administrative official shall cause to be inspected all openings made in any sewer and all connections made to the sewer utility. He shall take such action as he deems necessary to prevent injury or damage to the sewer utility and to prevent interference with the free flow of sewage. (Prior Code 19-103, 1978)

**11-15-130. Permit Required for Alteration of Service Lines.** It shall be unlawful to extend any sewer line or to change, enlarge or alter the use of any sewer line connected to the sewer utility without first obtaining a permit therefor. No such permit shall be issued to property situated outside the Town of Lusk, except under such terms and conditions as the Town Council shall provide. ( Prior Code 19-104, 1978)

**11-15-140. Separate Service Line Required for Each Property.** Each property shall be served by its own sewer service line. All plumbing fixtures in any building or structure on and 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 Town of Lusk shall be connected by the owner of the property or his 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 Town of Lusk. Such notice shall be served upon the owner of such property by registered or certified mail to his 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 19-105, 1978)

**11-15-150. Sand and Grease Traps.**

(a) All filling stations, garages, automobile repair shops, car washes, and similar establishments having wash and/or grease racks which are connected to the municipal sewer utility shall have sand and grease interceptors and traps as provided by this Chapter.

(b) All restaurants, cafes, lunch counters, cafeterias, bars, clubs, hotels, hospitals or schools with kitchens, or other establishments where grease may be introduced into the drainage or sewer system in quantities that can affect line stoppage or hinder sewage treatment, shall have grease interceptors and traps as provided by this chapter.

(c) All sand and grease interceptors and traps shall be of such size and meet such criteria as shall be set forth in the Uniform Plumbing Code as adopted by the Town, or of such variation as is specifically approved for the location by the Director of Public Works of the Town of Lusk.

(d) The Director of Public Works or his designated representative shall be the enforcement officer for the provisions of this section.

(e) Whenever necessary to make an inspection to enforce any of the provisions of this section, or whenever the Director has probable cause to believe there exists in any building or upon any premises any condition or violation of this section, the Director may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on the Director by this section; provided that if such building or premises be occupied, the Director shall first present proper credentials and request entry. If such building or premises be unoccupied, the Director shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Director shall have recourse to every remedy provided by law to secure such entry.

(f) It shall be unlawful for any person, firm or corporation to deposit or cause to be deposited, by any means whatsoever, into any plumbing fixture, floor drain, trap, interceptor, sump, receptacle or device, which is connected to any public sewer, any thing or substance that said plumbing fixture, floor drain, trap, interceptor, sump, receptacle or device, which is connected to any public sewer, is not specifically designed to receive.

(g) It shall be unlawful for any person, firm or corporation to allow any trap or interceptor to become unsafe, unsanitary, or a menace to life, health or property. When an existing trap or interceptor system is determined by the Director of Public Works to be unsafe, unsanitary, or a menace to life, health or property, it shall be repaired, reconstructed, or replaced to eliminate or alleviate the nuisance, dangerous or unsanitary condition. Any repair, reconstruction, or replacement shall be in conformance with the Uniform Plumbing Code.

(h) Within two weeks of notification by the Director of Public Works, the owners of buildings or premises where traps or interceptors are located shall submit in writing to the Director the number and location of every trap or interceptor that serves the owner's building or premises.

(i) All traps and interceptors shall be cleaned as needed. Records of cleaning and scraping shall be maintained at the location of the trap or interceptor and a duplicate copy shall be submitted to the Director on a quarterly basis.

(j) If the Sewer Department Superintendent finds that a trap or interceptor, or lack thereof, is causing a failure of a private or public sanitary sewer, the Town of Lusk shall instruct the Director to have the water service of the offending property disengaged. Prior to disengagement the offending party will be given written notice and an opportunity to review the reasons for the proposed disengagement. Disengagement of the water service shall continue until such time as the trap or interceptor is functioning or installed in an approved manner. In the event the Director finds it necessary to have the water service to a building or premises disengaged, the Director shall immediately notify applicable health authorities.

(k) It shall be unlawful for the owner, agent, or employee of any business to continue to operate after being notified of a violation of this section. Each day of operation after notice shall be deemed a separate offense, unless the Director of Public Works has in writing granted to said business an extension, to allow said business to install or repair the proper and

necessary sand and/or grease interceptors and traps, which extension shall be no longer than is determined by the Director to be necessary to install or repair said devices. ( Prior Code 19-106, 1978)

**11-15-160. Depositing Injurious Material Into System.** It shall be unlawful 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 the treatment process at the treatment plant or which shall in any way cause undue maintenance of the system or the sewage plant. ( Prior Code 19-107, 1978)

**11-15-170. Connection go Public Sewer Required Septic, Privy Tanks and Cesspools, Leach Fields Prohibited. Exception**

1. All occupied lots or parts of lots or land in the Town of Lusk shall be connected by private drain connections to the public sewer in the manner provided in this chapter.

2. No septic tanks, privy tanks, cesspools, or leach fields are allowed within the limits of the Town of Lusk. Any such uses shall cease upon notice from the Town. The owner or his agent shall make the required connection within 30 days from date notice is given. Refusal or neglect to do shall constitute a violation subject to the penalty provided in Ordinance 2-35-2100 Lusk City Code. Every 30 days thereafter shall constitute a separate offense,

3. Exception. This ordinance shall not apply in cases where drainage is such that it is deemed impossible or impractical to make such sewer connection. ( Prior Code 19-201, 1978, Prior Code 2004, Adopted May 4<sup>th</sup>, 2022)

**11-15-180. 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 19-202, 1978)

**11-15-190. Permit Required.** 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 19-203, 1978)

**11-15-200. Permit Application.** 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 19-204, 1978)

**11-15-210. Permit Contents; Fees.** 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 sized of the tap. No permit shall be issued unless the fees prescribed by the Town of Lusk are tendered with the application for a permit. Such fees shall be as are established from time to time by the Town Council. ( Prior Code 19-205, 1978)

**11-15-220. Permit; Types Issued.** The following types of permits shall be issued for connecting to the sewer utility;

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

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

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

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

(e) Permits to renew any of the sewer service lines provided for in this section. ( Prior Code 19-206, 1978)

**11-15-230. Plumbing to Be Inspected Before Connections Are Made.** All plumbing shall be subject to inspection by the administrative official or his 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 Town of Lusk to be connected with the sewer utility of the Town of Lusk until such plumbing shall have been inspected and approved and a certificate or tag of approval issued by the Town of Lusk. ( Prior Code 19-207, 1978)

**11-15-240. Connection of Water Drains, Downspouts.** It shall be unlawful to connect any storm water drains, downspouts, subsurface drainage systems or steam exhausts or blowoff from a steam boiler to the sanitary system. ( Prior Code 19-208, 1978)

**11-15-250. Service Lines; Dimensions and Material Requirements.** The size of any sewer service line shall not be less than four inches nor more than six inches in diameter inside of the pipe and shall be of such material as is approved by the Uniform Plumbing Code or of such pipe and materials as may be approved by the Sewer Department Superintendent. (Prior Code 19-301, 1978)

**11-15-260. Service Lines; Backfilling of Trenches.** 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 19-302, 1978)

**11-15-270. Service Lines; Maintenance of Inside.** 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 19-303, 1978)

**11-15-280. Property Owner Responsible for Cost of Installing & Repairing Sewer Service Line and Sewage Backup Prevention Valve.**

(a) 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.

(b) Every new construction which involves a sewer service line and any line replaced, whether residential or commercial, shall be required to have a sewage backup prevention valve installed in the line. No line will be permitted to be connected to the main line unless such valve is properly in place. The owner shall be responsible for the cost of installation, regular maintenance, and repair of the valve. (Prior Code 19-304, 1978; Amended May 2017)

**11-15-290. Method and Specifications for Making Connections to Sewer Mains.**

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 not to 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 Town shall be acceptable. The "T" saddle may be inserted into the sewer and set even with the inside of the sewer on a bed or 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 Town of Lusk. (Prior Code 19-305, 1978)

**11-15-300. Town of Lusk's Participation in Bearing Cost of Larger Mains.** 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 Town of Lusk 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:

(a) For 10 inch mains, the percentage of the town of Lusk's participation shall be 15 percent.

(b) For 12 inch mains, the percentage of the Town of Lusk's participation shall be 25 percent.

(c) For 15 inch mains, the percentage of the Town of Lusk's participation shall be 35 percent.

(d) For 18 inch mains, the percentage of the Town of Lusk's participation shall be 45 percent.

(e) For mains larger than 18 inches in diameter, the extent of the town of Lusk's participation shall be determined by the Town Council.

(f) If 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 19-306, 1978)

**11-15-310. Construction of Sewers in Subdivisions.** No sewer shall be constructed in a platted subdivision until the subdivider and the Town of Lusk have executed a sewer main extension contract. (Prior Code 19-307, 1978)

**11-15-320. Subdivider to Install Mains.** The subdivider shall install the mains in his subdivision by contract upon approval of the plans and specifications by the Town of Lusk, execution of sewer extension contract and municipal inspection of actual construction; provided, that the Town of Lusk may elect to install the mains, in which case the subdivider shall deposit with the Town Clerk the estimated cost of the sewer construction, plus engineering and administrative costs. The Town of Lusk 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 19-308, 1978)

**11-15-330. Mains to Be Extended to Farthest Points of Upgrade.** The subdivider shall pay the costs of construction of all sewer mains and appurtenances to, in and through his subdivision, except as otherwise provided in this chapter. Sewer mains shall always be extended to the farthest points upgrade in a platted subdivision so that the system may be perpetuated. (Prior Code 19-309, 1978)

**11-15-340. Construction of Sewers in Subdivisions; Undeveloped Areas.** When a subdivider finds it necessary to construct a sewer through undeveloped areas to serve his platted subdivision, the entire cost of such sewer line shall be paid by the subdivider unless the oversize main provisions of 19-308 are applicable. At the time of annexation or as the property abutting such sewer is developed and connections are made to the sewer, the Town of Lusk 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 reimbursements 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 19-310, 1978)

**11-15-350. Extension of Sewer Property 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 19-311, 1978)

**11-15-360. Nongravity Lines; Pumping Stations.** 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 19-312, 1978)

**11-15-370. Force Mains Serving Areas Not Otherwise Able to Enter Sewer Utility.** 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 19-313, 1978)

**11-15-380. Tie Into Gravity Lines.** 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. The municipality may require deposits, where deemed necessary, from the property owners requiring such force system to insure the eventual construction of gravity lines. (Prior Code 19-314, 1978)

**11-15-390. Extension of Service Outside Town of Lusk.** 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 19-315, 1978)

**11-15-400. Findings Prerequisite to Agreement.** Before the Town Council shall enter into any agreement for the extension of the Town of Lusk's sewer system to customers outside the corporate limits, it shall find that:

- (a) The extension of sewer service is economically feasible.
- (b) 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 Town of Lusk which relate to subdivision, platting, zoning and construction of improvements.
- (c) The property to be served is not currently contiguous to the Lusk town limits and cannot therefore be annexed to the Town of Lusk pursuant to the laws of the state, but that such property can reasonably be expected to be annexable to the Town of Lusk within the foreseeable future.
- (d) Such extension would help promote the orderly growth and development of the Town of Lusk.
- (e) Such extension would help promote the health, safety and welfare of the citizens of the Town of Lusk.
- (f) Such extension would help promote ecological and esthetic considerations in the growth and development of the Town of Lusk.
- (g) Such extension is generally in the best interests of the citizens of the Town of Lusk. (Prior Code 19-316, 1978)

**11-15-410. Sewer Rates.** There shall be a rate of charge to the owner or occupant of residences and commercial buildings, connected with or otherwise utilizing sewer facilities of the Town of Lusk. Rates or charges for use of the Town sewer facilities shall be established from time to time by amendment to this ordinance.

- (a) Definitions: as used in this section, the term:
  - (1) "Residential" shall mean living quarters of less than three units.
  - (2) "Commercial" shall refer to all activities of business, industry, commerce and trade; and shall include all other uses not "residential" or "institutional."
  - (3) "Institutional" shall refer to federal, state or county institutions such as schools, hospitals and correctional facilities, or any other high-volume user.Determinations as to categorizing a particular user as "residential," "commercial," or "institutional" shall be in the sole discretion of the governing body of the Town of Lusk.

(4) "Owner or Occupant" shall refer to the person, firm, corporation or entity on behalf of whom or which the account is opened and who is listed as the responsible party for payment.

(5) "Sewer Rates" shall be determined as to residential as a minimum monthly charge plus a charge based on the actual amount of water consumed by the user for the billed months of December through February (i.e. winter months), and an average of those months (i.e. December through February) for usage from March through November. For commercial usage, sewer rates shall be based on actual water consumption. (Amended 2005)

(b) **Effective Rates.** Each consumer shall be charged the following sewer rates:  
(Amended July 2022; Amended December 2022)

(1) **Residential Monthly Rate Schedule:**

Customer Charge = \$35.24

**plus:**

Usage Charge @ \$1.00 for each 1,000 gallons water over 5,000 gallons per month.

Minimum Bill = The customer charge

(2) **Commercial Monthly Rate Schedule:**

Customer Charge = \$40.48

**plus:**

Usage Charge @ \$1.00 for each 1,000 gallons water over 6,000 gallons per month

Minimum Bill = The customer charge.

(3) **Institutional Monthly Rate Schedule:**

Customer Charge = \$760.72

**plus:**

Usage Charge = \$1.00 for each 1,000 gallons water over 150,000 gallons per month.

Minimum Bill = The customer charge.

(4) **Others:**

Niobrara Park Addition Monthly Rate Schedule:

Customer Charge = \$40.82

**plus:**

Usage Charge = \$1.00 for each 1,000 gallons water over 5,000 gallons per month.

Minimum Bill = The customer charge.

(5) From and after Fiscal Year 2023 a 5% increase shall be added annually to all accounts listed above until otherwise ordained by the governing body of the Town of Lusk. (Amended September 2023)

(c) **Payments.** Payments and delinquencies regarding sewer bills to consumers shall be governed in the same manner as prescribed in Title 11, Chapter 25 of this Title. (Amended 2005; Ord. 11-15-410, 2005; Ord. 19-401, 1999; prior Code 19-401, 1978)

**TITLE 11**  
**UTILITIES**  
**CHAPTER 20**  
**WATER**

**Sections:**

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**11-20-100. Definitions.** For the purpose of this Title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) "Water service line." The line running from the Town water main to the structure or property to be served.

(b) "Water utility." All water and water rights, waterworks and appurtenances thereto, machinery, equipment and supplies used by the Town of Lusk 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 the property of the owner of such structure or property served. (Prior Code 25-101, 1978)

**11-20-110. Reservation of Rights by Town of Lusk.** The use of water under the provisions of this title shall not constitute or be deemed to be a relinquishment of any water or water right by the Town of Lusk and the Town of Lusk reserves the full right to determine all matters in connection with the control and use of such water. All users of water within the limits of the Town of Lusk shall purchase such water from the Town of Lusk pursuant to the terms and conditions of this title. No user of water shall obtain water from other sources. (Prior Code 25-102, 1978, Prior Code 2004, Adopted May 4, 2022)

**11-20-120. Promulgation of Rules and Regulations.** The Public Works Director may, from time to time, promulgate such rules and regulations as he considers necessary to carry out the intent of this title; provided, that such rules and regulations are not inconsistent with this title. (Prior Code 25-103, 1978)

**11-20-130. Agreement to Rules and Regulations.** No person may be served with water from the water utility unless he agrees to all the rules and regulations of the Town of Lusk pertaining to the use of such water. (Prior Code 25-104, 1978)

**11-20-140. Records and Reports.** The Public Works Director shall keep such records and prepare such reports concerning the water utility as the Town Council directs. The Public Works Director shall keep the Town Council advised of the operations, financial conditions and future needs of the water utility and shall prepare and submit to the Town council, each month, a report covering the activities of the water utility, including a statement of revenues and expenditures of the preceding month. (Prior Code 25-105, 1978)

**11-20-150. Fire Hydrants; Repair; Testing.** All fire hydrants shall be a part of the water utility and shall be kept in repair by the administrative official or his authorized agents. Every hydrant shall be tested at least once annually. (Prior Code 25-106, 1978)

**11-20-160. Fire Hydrants; Opening Or Operating.** No person, other than a member of the fire department, shall open or operate any fire hydrant without permission from the Public Works Director. (Prior code 26-107, 1978)

**11-20-170. Damaging Property, Equipment.** No person shall in any way damage any property, equipment or appliance or appliance constituting or being a part of the water utility. (Prior Code 25-108, 1978)

**11-20-180. Trespass Or Interference With Property.** No person shall trespass upon the property or 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 25-109, 1978)

**11-20-190. Obstructing; Pollution.** No person shall cast, place, dump or deposit in any 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 25-110, 1978)

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**11-20-200. Restrictions on Use.**

(a) **Lawn sprinkling.** The use of water from the water utility for lawn sprinkling purposes may be prohibited or restricted by order of the administrative official. Except as provided in subsection (b) of this section the order shall be effective when notice thereof is published once in a daily newspaper published in the Town of Lusk. Upon the publication of the notice, the sprinkling restrictions or prohibitions so prescribed shall take effect and any violator thereof shall be punished as provided in § 2-35-100. No hose nozzle or discharge vent used for sprinkling water from the water utility shall be more than one quarter 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 deems necessary for the protection of the public.

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

(d) **Use on property not connected to utility.** No person having water service shall permit any person to take or use water from his water service for use on property not connected to the Town 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 25-111, 1978)

**11-20-210. Failure to Keep These Regulations.** If any water user fails to comply with the provisions of this title, other ordinances or rules and regulations of the Town of Lusk or the rules and regulations of the administrative official or uses water for a purpose not authorized or in a wasteful manner, the Town of Lusk may discontinue water service until the water user is in compliance and has paid any costs incurred because of his noncompliance. (Prior Code 25-112, 1978)

**11-20-220. Extension Outside Corporate Limits.** The Town Council may in its sole discretion enter into agreements with customers whose lands lie outside the corporate limits, to extend the Town's water system and supply water for the use, needs and requirements of such customers. (Prior Code 25-114, 1978)

**11-20-230. Required Findings Prerequisite.** Before the Town Council shall enter into any agreement to extend the Town's water system and water supply outside the corporate limits, it shall find that:

(a) The extension of water service is economically feasible.

(b) 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, which relate to subdivision, platting, zoning and construction of improvements.

(c) The extension of sewer service to the property is economically feasible and can be accomplished within a reasonable time to be fixed by the Town Council.

(d) The area, within which the property to be served lies, can be reasonably expected to be annexed to the Town of Lusk within the foreseeable future.

(e) Such extension would help promote the orderly growth and development of the Town of Lusk.

(f) Such extension would help promote the health, safety and welfare of the citizens of the Town of Lusk.

(g) Such extension would help promote ecological and esthetic considerations in the growth and development of the Town of Lusk.

(h) Such extension is generally in the best interests of the citizens of the Town of Lusk. (Prior Code 25-115, 1978)

**11-20-240. No Interference Allowed.** Water consumers are not permitted to interfere in any way with the meter after it is set in place. In case the meter seal is broken or the working part of the meter damaged, the department may render a bill for the current month based on an average of the last two months, together with the full cost of such damage as has been done to the meter, and may refuse to furnish water until account is paid in full. (Prior Code 25-116, 1978)

**11-20-250. Misrepresentation, Misuses, and Unlawful Use.** In case of misrepresentation on the part of an applicant; or in the event of the willful or unreasonable waste of water in the event of an emergency or otherwise, the Town Engineer or the Town Council in their discretion, may refuse further service. All waste of water is prohibited and all consumers shall keep their fixtures and service pipes in good condition at their own expense; and all waterways closed when not in use. All leaking or unsafe pipes and fixtures shall be immediately repaired. No consumer shall furnish water to others for use off the premises without due notice to the Water Department. (Prior Code 25-117, 1978)

**11-20-260. Use During Fire Emergency.** It shall be unlawful for any person or persons to use water for fountains, sprinkling or irrigation purposes whenever public exigency requires the suspension of such use, and all such use is strictly prohibited during a fire. (Prior Code 25-118, 1978)

**11-20-270. Street Sprinkling Not Entitled.** A license to use water on a lot shall not entitle the licensee to use water for street sprinkling. (Prior Code 25-119, 1978)

**11-20-280. Tampering With Fire Hydrant, Main, Meter Prohibited.**

(a) It shall be unlawful for any person, firm, corporation or association or any agent or employee thereof, to tamper with, turn on or touch any meter, line, cut off, switch or any other devices or equipment belonging to the Town of Lusk, designed for use in furnishing electric service and/or water service by the Town of Lusk for the purpose of avoiding or violating any of the provisions of this title.

(b) It shall be unlawful for any person, firm, corporation or association or any agent or employee thereof to interfere with or hinder any employee of the Town of Lusk, in anyway calculated to prevent, delay, or hinder said employee from carrying out any of the provisions of this title. (Prior Code 25-120, 1978)

**11-20-290. Discontinuance Or Vacancy.** Should the consumer desire to discontinue the use of water temporarily, or should the premises become vacant, the department when

notified to do so in writing, will shut off the water at the curb and an allowance will be made on the bill for such time as the water is not in use if on the flat rate. No deduction in bills will be made for the time any service pipes may be frozen. (Prior Code 25-121, 1978)

**11-20-300. Notice of Shutting Off Water; Boilers.** Notice will be given, whenever practicable, prior to shutting off water, but consumers are warned that owing to unavoidable accidents or emergencies their water may be shut off at any time and the Town shall not be held liable therefor. All persons having boilers on their premises depending on connected pressure with the water mains are cautioned against collapse of their boilers. As soon as water is turned off, the hot water faucets shall be opened and left open until the water is turned on again. A check valve must always be placed between the boiler and the Town mains to prevent draining the boiler. Premises shall never be left with any faucets open unless the water is turned off inside such building. (Prior Code 25-122, 1978)

**11-20-310. Permit for New Construction.** Contractors, builders or owners are required to take out a permit for the use of water for building and other purposes in construction work. Consumers are warned not to allow contractors to use their fixtures unless they produce a permit specifying the premises on which the water is to be used. Water will not be turned on at any new building until all water used during construction has been paid for. (Prior Code 25-123, 1978)

**11-20-320. Inspection and Investigation.** The department's agents or other authorized persons shall have access at reasonable hours to any premise where water is used for the purpose of making inspection or investigation. (Prior Code 25-124, 1978)

**11-20-330. Turning on Water to Premises.** No person, other than a duly employed person of the Town of Lusk 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 25-201, 1978)

**11-20-340. Unauthorized Taps.**

(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.

(d) All lines from the main line laid by the Town of Lusk shall be installed and maintained solely at the expense of the consumer. (Prior Code 25-202, 1978)

**11-20-350. Permit Required.** 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 25-203, 1978)

**11-20-360. Permit Application.** 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 25-204, 1978)

**11-20-370. Permit Issuance; Contents.** Permits required by § 11-20-350 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 25-205, 1978)

**11-20-380. Payment of Charges.** In all cases where a charge is provided by law for making a connection to the water utility, the amount of the charge shall be tendered to the Town of Lusk when the application for the connection permit is made. (Prior Code 25-206, 1978)

**11-20-390. All Plumbing to Be Inspected and Approved.** All plumbing shall be subject to inspection by the administrative official and his 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 Town limits to be connected with the water utility of the Town of Lusk until such plumbing shall have been inspected and approved and a certificate or tag of approval issued by the Town of Lusk. (Prior Code 25-207, 1978)

**11-20-400. Installation of Service Lines by Licensed Plumber.**

(a) No person other than a plumber licensed by the Town of Lusk or a person authorized by the administrative official, shall install a water service line, including a meter vault and a meter riser.

(b) No service lines shall be installed without having first obtained written permission from the Town of Lusk. (Prior Code 25-301, 1978)

**11-20-410. Installation Costs.** Any service line from a main to a structure to be served shall be installed by the water user at his expense. (Prior Code 25-302, 1978)

**11-20-420. Installation Required Prior to Paving Streets.** Before any street containing a water line is paved, the owners of the property abutting upon the street shall, at their expense, install all service lines with meter vaults and meter risers which the Town of Lusk determines to be necessary to serve the property when fully developed. (Prior Code 25-303, 1978)

**11-20-430. Material Specifications for Service Lines.** All service lines shall be of copper, cast iron or other suitable material as determined by the water utility. Corporation cocks, water risers and service lines shall be of the size as specified by the Town of Lusk, buried 5½ feet shall be used and minimum curb box top sections shall be 1½ inches in diameter. (Prior Code 25-304, 1978)

**11-20-440. Minimum Size for Service Lines.** The water service line from the street main to the water distribution system of the building to be served with water shall be of sufficient size to furnish an adequate flow of water to meet the requirements of the building at peak demand and in no event shall it be less than 3/4 inch nominal diameter. (Prior Code 25-305, 1978)

**11-20-450. Required Depth for Service Lines.** All service lines shall be laid 5 feet below the established grade of the street from the water main to the meter vault. When the main is of greater or less depth, the service line shall be brought to the required depth as soon as possible after leaving the tap. (Prior Code 25-306, 1978)

**11-20-460. Replacement Where Materials Unsuitable.** Service lines made of materials other than cast iron or cooper shall be replaced by copper or cast iron lines or suitable materials when, in the opinion of the administrative official, such lines have become so disintegrated as to be unfit for further use. The water utility shall assume the cost of replacement of the service line between the main and the curb stop and the property owner shall assume the cost of replacement of the water service line between the curb stop and the distribution system of the building served. When such lines have been replaced with copper or cast iron lines as set forth in this article, the water utility shall assume the maintenance of the service line between the water main and the curb stop or meter riser. (Prior Code 25-307, 1978)

**11-20-470. Approval of Replacement Services.** New services to replace existing services shall not be approved by the Town and the water turned on until old service lines are dug up and the corporation cock shut off at the main. (Prior Code 25-308, 1978)

**11-20-480. Extension to More Than One Property.** Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one property to another property. In cases where service lines were extended from one property to a different property prior to adoption of this section, the continued use of such extension shall be permitted until replacement is necessary, at which time separate connection shall be made to the water main at the expense of the owner of the property served by such extension and the extended service line shall be discontinued; provided, that this section shall not be construed as prohibiting a single service line to serve a single structure under one roof occupying more than one property. (Prior Code 25-309, 1978)

**11-20-490. Maintenance of Service Lines.** The owner of any property connecting to the water utility shall be responsible for the maintenance of the water service line from the curb stop or meter riser to the structure being served and shall keep this line in good condition at his expense. He shall, at his expense, at all times keep all pipes, fixtures and appliances on his property tight and in good working order so as to prevent waste of water. (Prior Code 25-310, 1978)

**11-20-500. Disconnecting Service From Premises.** When a water user desires to disconnect his premises from the water utility, he shall not be permitted to take up that portion of the service line between the main and the curb stop or meter vault, nor shall he be permitted

to take up the meter vault, but, at his expense, the water shall be shut off at the corporation cock and all appliances from the water main to and including the meter vault shall remain in the ground and become the property of the Town of Lusk. (Prior Code 25-311, 1978)

**11-20-510. Location of Cock.** At some convenient point inside of the building as so located that it cannot freeze, a stop and waste cock must be placed, so that the water can be readily shut off from the building and the water pipes drained to prevent freezing. (Prior Code 25-312, 1978)

**11-20-520. Cock to Be Near Curb.** Service pipes will be so arranged that the supply of each separate consumer may be controlled by a separate curb cock, placed within or near the line of the street curb. (Prior Code 25-313, 1978)

**11-20-530. Meter Costs.** All water meters shall be furnished by the water utility at no cost to the user for those services up to 3/4 inch in diameter. For all water services over 3/4 inch in diameter, the meter shall be furnished by the water utility; provided, that the user shall pay the additional cost of the meter over and above the cost of the 3/4 inch meter. (Prior Code 25-401, 1978)

**11-20-540. Meter Testing, Approval and Adjustment Prior to Installation.** Each water meter shall be tested by the Town of Lusk and shall be found to be correct and properly adjusted before being installed. (Prior Code 25-402, 1978)

**11-20-550. Frost Proof Vaults Required.** All meter installations shall be in a frost proof vault at a location specified by the Town of Lusk. Meters not installed in a frost proof vault as of the date of adoption of this section, shall be replaced with a meter installed in a frost proof vault at a location specified by the administrative official upon request of the property owner or when it is necessary to replace all or any part of the water service line. (Prior Code 25-403, 1978)

**11-20-560. Costs for Frost Proof Vaults, Risers.** The frost proof vault, riser and necessary appurtenances shall be furnished by the Town of Lusk and the Town's actual cost of these materials shall be paid by the property owner upon obtaining the applicable permit in § 11-20-350; provided, that when Town employees install a frost proof vault, riser and appurtenances, in connection with replacement of the water service line between the main and the curb stop, a permit shall not be required but the applicable charge shall be paid by the property owner. (Prior Code 25-404, 1978)

**11-20-570. Maintenance and Testing of Meters.** All water meters shall be maintained by the water utility, and shall be tested and repaired as necessary and not less than at least once in each 10-year period. The cost of repairs resulting from neglect or abuse by the water user shall be paid by the user and added to and considered a part off the charge for water service. (Prior Code 25-405, 1978)

**11-20-580. Tampering, Interfering With Meters.** It shall be unlawful for any meter user under meter rates as set forth in this title or for any other person to tamper or interfere

with any meter or meter seal or to so arrange his water service or piping so that the user of water will not actuate the meter. (Prior Code 25-406, 1978)

**11-20-590. Replacement of Meter; Fastening; Cost.** The department may replace any meter at such time as it may see fit and shall be the judge of the size and make of any meter installed. In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test may demand that the meter be removed, and tested as to its accuracy, in his presence. In case the meter is found to be registering accurately within 2%, or in favor of the consumer, the cost for such testing and replacing the meter shall be borne by the consumer. In case the meter is found to be recording incorrectly and against the consumer more than 2% the amount deposited by the consumer will be refunded and a reasonable adjustment made for the over charges for a period of not exceeding 60 days, previous to the demand of the consumer for a test to be made. (Prior Code 25-407, 1978)

**11-20-600. Stopped Meter.** In case a meter is found stopped for any reason, so that it is not correctly recording the consumption of water, the department may average the amount due for the current month, using the past two months as a basis of such average. (Prior Code 25-408, 1978)

**11-20-610. Shutting Water Off From Street Mains.** Water may be shut off from any street main when necessary to repair the main or to make any connections or extensions of the water mains or to perform any other work necessary to maintain the water utility. (Prior Code 25-501, 1978)

**11-20-620. Minimum Size of Mains.** The size of the main required to serve any part of the Town shall be determined by the Town of Lusk. No main less than six inches in diameter shall be placed in the water distribution system. (Prior Code 25-502, 1978)

**11-20-630. Apportionment of Costs for Extensions of Mains.** When water mains are extended, the property owners benefitted thereby, as determined by the Town of Lusk, shall pay all costs of such extension for mains eight inches or less in diameter together with necessary valves, hydrants and other appurtenances. For mains over eight inches in diameter, when required by the municipality, the water utility shall pay the following percentages of the total cost of the extension for such mains:

- (a) For 10 inch mains, 30%.
- (b) For 12 inch mains, 40%.
- (c) For 14 inch mains, 50%.
- (d) For 16 inch mains, 65%.

(Prior Code 25-503, 1978)

**11-20-640. Financing Extensions to Property.**

(a) Extension of water lines to serve property within the Town of Lusk, but not a part of a new subdivision, shall be financed by special assessment against the benefitted property or under such terms and conditions as the Town Council shall provide by resolution.

(b) Assessments against the benefitted property shall not exceed the actual cost of the extension, plus engineering and administrative costs. (Prior Code 25-504, 1978)

**11-20-650. Extensions Outside Town to Serve Property Within Town.** No water main shall be extended outside the municipal limits to serve property within the municipality (across islands or between peninsulas) except upon the express consent of the governing body under such terms as may be defined by ordinance. (Prior Code 25-505, 1978)

**11-20-660. Installation in Subdivisions.** The subdivider shall install the mains in his subdivision by private contract, subject to approval of the plans and specifications by the Town of Lusk, execution of the extension contract provided in this division and Town inspection of actual construction; provided, that the Town of Lusk may elect to install the mains, in which case the subdivider shall deposit with the Town of Lusk the estimated cost of installing the mains, plus engineering and administrative costs, and the Town of Lusk may then proceed to make the installation by contract with a private contractor. In the event that the original deposit is insufficient, the subdivider shall upon notification, immediately deposit the balance required with the Town of Lusk to complete the work. (Prior Code 25-506, 1978)

**11-20-670. Installation Costs in Subdivisions.** All water mains required to serve a platted subdivision, including cross connecting mains, shall be installed at the cost of the subdivider. The subdivider shall install mains to the farthest points of his subdivision. (Prior Code 25-507, 1978)

**11-20-680. Subdivision Water Main Extension Contracts.** For all water main extensions made to serve any subdivision or area platted after the date of adoption of this section, the subdivider or owner shall enter into a water main extension contract with the Town of Lusk. (Prior Code 25-508, 1978)

**11-20-690. Extending Service Around Or Through Vacant Property.** When a subdivider finds it necessary to bring water service from the existing water system through vacant property to his platted subdivision, or construct lines on the perimeter of such subdivision, the subdivider shall pay the entire costs of the original construction. At the time of annexation or as the property abutting such water main is developed and connections are made to the water main, the Town of Lusk 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 collection so made. In no event shall the actual amount so paid to the subdivider by the Town of Lusk exceed the original cost of the extension. (Prior Code 25-509, 1978)

**11-20-700. Period of Subdividers' Reimbursement Rights.** The subdivider's right to reimbursement under a water main extension contract shall in no event exceed a period of 15 years from the date of the execution of such contract and all payments shall cease at that time regardless of the amount that has at that time been received by the subdivider. (Prior Code 25-510, 1978)

**11-20-710. Connecting Loops and Crossties in Subdivisions.** Connecting loops and crossties within a subdivision shall be constructed by the subdivider. If the connecting loop is such that property outside the subdivision abuts such loop or ties, and connections are made to such line, the reimbursement provisions of §§ 11-20-690 and 11-20-700 shall apply. Connecting loops in the nature of a general improvement of the water system shall be financed



by the water utility. Before any abutting property shall connect to such mains constructed at the expense of the water utility, the charge based on the front footage of the property to be served shall be collected by the Town of Lusk. (Prior Code 25-511, 1978)

**11-20-720. Additional Water Pumping Stations for Subdivisions.** When additional water pumping stations are required to serve new platted subdivisions, the Town Council, as a condition to acceptance of the final plat, may require the installation of the stations and require the subdivider to execute such instruments as may be necessary to convey title to the stations to the Town of Lusk upon completion. The installation and cost of the stations shall be the responsibility of the subdivider. The administrative official shall supervise the construction and determine all matters with respect to the installation of the stations including, but not limited to, capacity, type, design and location, as in his discretion would meet minimum requirements for fire and domestic demand. The Town of Lusk may require oversize stations to serve areas larger than that proposed by the subdivider; provided, that in such cases the Town of Lusk shall pay the cost of the oversize, which cost shall thereafter be collected from other subdividers using the stations. Upon completion the Town of Lusk shall assume responsibility for operation and maintenance of stations installed pursuant to this section. (Prior Code 25-512, 1978)

**11-20-730. Advance Payment of Rates.** The water department of the Town of Lusk shall contract with the owners of property, their authorized agents or their tenants. The water department may require a deposit equal to three times the estimated amount of the monthly bill, as a guarantee of payment of same, which shall be credited upon termination of service. (Prior Code 25-601, 1978)

**11-20-740. Rates.** Each consumer shall be charged for all water so used in accordance with the following schedule:

- (a) **Residential.** \$37.99 per month as a minimum charge for first 10,000 gallons per month,  
plus  
\$1.00 per 1,000 gallons over the minimum amount of 10,000 gallons.
- (b) **Commercial.** \$47.78 per month as a minimum charge for first 15,000 gallons per month,  
plus  
\$1.00 per 1,000 gallons over the minimum amount of 15,000 gallons.
- (c) **Schools.** \$354.17 per month as a minimum charge for first 100,000 gallons per month,  
plus  
\$1.00 per 1,000 gallons over the minimum amount of 100,000 gallons per month
- (d) **Wyoming Women's Correctional Center.** \$815.93 per month as a minimum charge for first 250,000 gallons per month,  
plus

\$1.00 per 1,000 gallons over the minimum amount of 250,000 gallons.  
(e) **Hospital.** \$242.71 per month as a minimum charge for first 100,000 gallons per month,  
plus  
\$1.00 per 1,000 gallons over the minimum amount of 100,000 gallons.

(f) **Spartan Management (Ranger Hotel).** \$857.76 per month as a minimum charge for the first 250,000 gallons each month,  
plus  
\$1.00 per 1,000 gallons over the minimum amount of 250,000 gallons.

(Ord. 11-20-740, 2005; Ord 25-602, 1996; 25-602, 1994; 25-602, 1991; prior Code 25-602, 1978; Amended July 2022; Amended December 2022)

(g) From and after Fiscal Year 2023 a 5% increase shall be added annually to the accounts listed above until otherwise ordained by the governing body of the Town of Lusk. (Adopted, July 2020; Amended September 2023)

**11-20-750. Payment.** Payments and delinquencies regarding water bills to consumers shall be governed in the same manner as prescribed in Title 11, Chapter 25 of this Title. (Ord. 11-20-750, 2005; Ord. 25-602, 1996; 25-602, 1994; 25-602, 1991; prior Code 25-602, 1978)

**11-20-760. Computation Where Meter Defective Cannot Be Read.** Where a meter is broken or defective or for any reason does not correctly measure and record all the water used on any premises in any one quarter or where the proper Town employee is unable to enter and read the meter after two attempts to read the meter, the charge for water used on such premises during that quarter shall be used as stated in § 11-20-600 of this Title. (Prior Code 25-603, 1978)

**11-20-770. Prompt Payment Required.** All persons, firms, corporations or associations receiving electric service and/or water service from the Town of Lusk, whether they reside within the Town limits of the Town of Lusk, or not, shall promptly pay for such service at the time and in the manner hereinafter set out, in compliance with the provisions of this ordinance. (Prior Code 25-604, 1978)

**11-20-780. Due Date of Payment.** All bills or statements rendered by the Town of Lusk for electric service and/or water service, mailed before the 10<sup>th</sup> day of any month, shall be due and payable on or before the 10<sup>th</sup> day of the month in which the same are mailed. All bills or statements rendered by the Town of Lusk for electric service, mailed after the 10<sup>th</sup> day of any month, shall be due and payable on or before the 10<sup>th</sup> day of the next succeeding month. (Prior Code 25-605, 1978)

**11-20-790. Delinquent Bills.** Any bills or statements rendered by the Town of Lusk for electric services and/or water service that remain unpaid after their due date as set out in § 11-20-780 of this ordinance, will be considered, and are hereby declared to be delinquent. (Prior Code 25-606, 1978)

**11-20-800. Delinquent Account Procedure.** In that water and sewer services provided by the Town to consumers are billed on the same monthly invoices as electricity, all are billed as one. Delinquency procedures, penalties, deposits and reconnect fees are proved in Ordinance 11-25-130 and 11-25-140 and those shall apply in this chapter. (Prior Code 25-607, 1978; Amended April 2021)

**11-20-810.** Repealed in that delinquency procedures are provided by Ordinance 11-20-800 as amended. (Prior Code 25-113, 25-608, 1978; Repealed April 2021)

**11-20-820. Water Wells Prohibited; Connection of Existing Water Well to Town of Lusk Municipal Water System Prohibited.**

- (a) It shall be unlawful for any person, firm, company or entity other than the Town of Lusk to drill and develop water well within the boundaries of the Town.
- (b) It shall be unlawful for any person, firm, company or entity other than the Town of Lusk to connect any water well to the Town of Lusk Municipal water system. (Ord. Adopted January 2014)

**11-20-830. Violation and Penalty.** Any person or persons who shall violate any of the provisions of this Chapter shall upon conviction be fined and pay cost as provided in § 2-35-100 of the Lusk City Code. (Prior Code 25-125, 1978; Prior Code 11-20-820, 2004; Amended January 2014)

**TITLE 11**  
**UTILITIES**  
**CHAPTER 25**  
**ELECTRICITY**

**Sections:**

11-25-100	Electric Rates
11-25-110	Definitions
11-25-120	Effective Rates
11-25-130	Payment Due Date; Penalty; Disconnect Procedures
11-25-140	Rates, Deposits, and Temporary Service Connect Fees
11-25-150	Meter Hook-Up Fees

**11-25-100. Electric Rates.** Rates, or charges, for the consumption of electricity provided by the Town of Lusk shall be established by the Governing Body of the Town from time to time by amendment to this chapter. (Ord. 25-701, 1996; prior Code 25-701, 1978)

**11-25-110. Definitions.**

(a) "Residential," as used in this Chapter, shall mean living quarters of less than three (3) units, unless each living quarter is metered separately, then each shall be charged a residential rate.

(b) "Commercial," as used in this Chapter, shall refer to all activities of business, industry, commerce and trade; and all other uses not residential unless specified otherwise in this Chapter. Where a residential use is combined with a commercial use, such usage shall be billed at the commercial rate unless each use is metered separately.

(c) "Special Rate," as used in this Chapter, shall apply to such consumers and for such durations as the governing body of the Town of Lusk shall determine on a case by case basis. Eligibility for the "special rate" shall be predicated upon a finding by the governing body that such rate will promote the best interests and welfare of the citizens of the Town of Lusk and/or the economy of the community.

(Ord. 11-25-110, 2005; Ord. 25-701, 1996; prior Code 25-701, 1978)

**11-25-120. Effective Rates:** The following rates are in effect until such time as the same are amended by the Governing Body of the Town of Lusk:

(a) **Residential Uses:**

Monthly Rate Schedule:  
Customer Charge- \$12.00

**plus:**

Energy Charge- \$.1153/KWH  
Minimum Bill= The customer charge

(b) **Commercial Uses:**

Monthly Rate Schedule:  
Customer Charge Per Month  
Single-Phase Accounts- \$14.00

Three-Phase Accounts- \$27.00

**plus:**

Energy Charge per month- \$.1153/KWH

Minimum Monthly Bill= The customer charge

(c) **Special Rate:**

As set by Governing Body on case-by-case basis.

(d) All Energy Charges will increase by 1.5% per year hereafter without necessity of amending this Ordinance unless other changes are requested by the governing body.

(Amended January 3, 2017, Ord. 11-25-120, October 1, 2019, Ord. 11-25-120)

(e) **Rates for Yard lights Leased from the Town or Owned by Customers.**

(1) **Unmetered Yard Light** (Town of Lusk owned and leased to customers).

One (1) yard light.....\$12.50 per month

Two (2) yard lights..... \$25.00 per month

Three (3) yard lights.....\$37.50 per month

Monthly rate added to customer's utility bill. Town will repair and replace;  
Customer pays costs of repair and replacement, both labor and parts.

(2) **Metered Yard Lights** (Customer owned and connected to load side of  
Customer's electric service).

No monthly fee. Town will repair or replace; Customer pays cost of  
Repair and replacement, both labor and parts.

(Adopted Code 11-25-120(e) June 2024)

**11-25-130. Payment Due Date; Penalty; Disconnect Procedures.**

(a) All bills or statements for electrical services provided by the Town of Lusk to consumers which are mailed to consumers before the 10th day of the month following the month of service, are due and payable and shall be paid so that the same is received in the Town Office no later than 5:00 p.m. on the 10th day of the month in which the same are mailed. Any bills or statements mailed after the 10th day of month following the month of service are due and payable and shall be paid so that the same is received in the Town Office no later than 5:00 p.m. on the 10th day of the next succeeding month. When the 10th day of a month falls on a weekend or legal holiday observed by the Town of Lusk, all such bills or statements shall be due and received in the town Office no later than 5:00 p.m. on the next following workday.

(b) All accounts not paid when due as prescribed by this Chapter are delinquent, and a penalty shall be assessed on said accounts in the amount equal to 1.75% of the delinquent account, which penalty shall become part of the delinquent account.

(c) Upon an account becoming delinquent, the Town Clerk, on the 20th day of the month or as soon thereafter as possible, shall send a written notice to the address of the meter holder advising that if said account, together with assessed penalty, is not paid within five days following mailing of notice, the disconnect procedure of the Town of Lusk shall be implemented. The disconnect procedure shall be as follows:

(1) Upon expiration of five days following mailing of notice, the Town Clerk shall advise the electric department as to the continued delinquencies. The electric

department shall post a 24-hour notice on the door of the premises being served by electricity that failure to pay the balance due within 24 hours of the time of the posting shall result in the meter being disconnected. If the account remains unpaid upon expiration of the 24-hour period the electric department, in the case of residential users, shall disconnect the meter. In the case of commercial users, the electric department shall first advise the Mayor and Council of the pending action and shall proceed according to the majority consensus of the governing body. The meter, if disconnected, shall not be reinstalled until the account, with assessed penalty and the reconnect fee, have been paid in full.

(2) In the event the account remains unpaid after the meter has been disconnected, the Town Clerk shall apply any deposit to the unpaid balance and shall file a small claims action in the appropriate court for collection of any balance due. If the account holder is no longer in the jurisdiction of the Court, the action shall be filed in the appropriate jurisdiction or turned over to a collection agency for further collection action. Any person, firm, or corporation against whom collection procedures have been implemented will be required to pay any arrearage on old accounts and make a meter deposit of \$200.00 before new service will be provided.

(3) In the event the delinquent account is in the name of a tenant, the owner of the premises being served by electricity shall be liable for the delinquent charges, i.e., liability shall be imposed on the owner of the property for the charges incurred by his tenants or agents. Services shall not be restored to the property until the delinquent charges, the penalty and the reconnect fees are paid in full.

(Amended Ord. 11-25-130 (c), 2012; Amended Ord. 11-25-130, 2005; Ord. 25-701, 2002; Ord. 25-701, 1996; prior Code 25-701, 1978; (c)(3) Amended April 2021)

#### **11-25-140. Electric Account Deposits, Reconnect fees and Temporary Service Connect Fees.**

(1) Consumers requesting electrical service shall be required to pay a deposit of \$200.00 unless said consumer has at least a two-year history of non-delinquent payments for electrical service, in which case the deposit may be waived in the discretion of the Town Clerk, provided further that the Town Clerk may refund a consumer's deposit after said consumer has acquired a two-year history of non-delinquent payments.

(2) Consumers whose utilities have been disconnected for non-payment shall pay a reconnect fee of \$50.00 before the utilities will be reconnected. Consumers requesting temporary service shall pay a connect fee of \$50.00 in addition to usage rates. Temporary service is defined as a request for connect and disconnect at specified times or for a specified duration or demonstration of a repeated pattern of connecting and disconnecting utilities at the same location by the same person or person on his behalf.

(3) Consumers who have been disconnected for non-payment shall be required to pay all arrearages on their account together with the foregoing deposit and connect fees before reconnecting will be made or a new account opened.

(Ord. 25-702, 1999; 25-702, 1991; 25-702, 1982; 25-702, prior Code 25-702, 1978; Amended April 2021)

**11-25-150. Meter Hook-Up Fee.** All new services connected to the Town's electrical distribution system shall be subject to a fee as the governing body may, by resolution, set from time to time. (Adoption Ordinance, 2004)

## **TITLE 11**

### **UTILITIES**

#### **CHAPTER 26**

#### **EQUAL PAY**

##### **Sections:**

11-26-10 Equal Pay

##### **11-26-100. Equal Pay Payment Plan.**

(a) Users of Town of Lusk utilities shall be allowed to enroll in the “Equal Pay Program” whereby individual’s annual cost for utilities provided by the Town is averaged out over 12 months and payments are set as equal amounts each month. In April of each year the accounts will be “trued up” i.e., recalculated based on actual usage and a new monthly payment amount shall be established for the coming year.

(b) To be eligible for the program only residential users are entitled to be in the program; specifically excluded are commercial users and landlord/tenant rentals.

(c) Residential users must have been paying monthly utility bills without delinquency for a period of one (1) year before being qualified to be eligible for the program.

(d) If a user in the program is delinquent in any monthly payment that user shall be removed from the program; and shall be subject to the penalty and disconnect procedures set out in Ordinance #11-25-130 and Ordinance #11-25-140. (Adopted October, 2022)

## TITLE 12

### BUSINESS AND COMMERCE

#### Chapters:

- 12-5 Advertising and Signs
- 12-10 Distress Sales
- 12-15 Pawnbrokers
- 12-20 Taxicabs
- 12-25 Transient Merchants
- 12-30 Crop Sprayers

#### CHAPTER 5

#### ADVERTISING AND SIGNS

#### Sections:

- 12-5-100 License to Post Advertising Material
- 12-5-110 License; Exception
- 12-5-120 License Application
- 12-5-130 Type, Size and Placement
- 12-5-140 Throwing
- 12-5-150 Destroying Authorized Advertisement
- 12-5-160 False Advertising

##### **12-5-100. License to Post, Advertising.**

(a) No person shall place outdoor advertising calculated to attract the attention of the public without first having obtained a license from the Town of Lusk therefor.

(b) As used in this Chapter, outdoor advertising means any outdoor sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing designed or intended to advertise and inform the public. (Prior Code 4-101, 1978)

##### **12-5-110. License; Exception.**

(a) It shall not be necessary for any resident merchant or manufacturer to obtain a license for the purpose of posting his own outdoor advertisement on premises owned or used by him for such purpose.

(b) Signs in residential areas pursuant to § 15-55-130 shall not require a license.  
(Prior Code 4-102, 1978)

**12-5-120. License Application.** All applications for a license required by this chapter shall be accompanied with a license fee of \$10.00. The Town Clerk, upon receiving such application and the required fee, shall have issued a license certificate as applied for stating the name of the person to whom issued, the date of its expiration and the amount paid therefor.



Such certificate shall not be issued for a longer period than one year and at the expiration thereof the same may be renewed for another term of one year upon the payment of the required license fee and may be renewed thereafter upon the payment of the required fee. Such license shall cover the erection of all billboards, signboards and other structures for advertising purposes erected or to be erected during the year for which such license was issued. (Prior Code 4-103, 4-104, 1978)

**12-5-130. Type, Size and Placement.** In addition to the provisions of this Chapter, Title 15 of this Code dealing with zoning regulations, and specifically § 15-55-130, contains regulations concerning signs in the Town of Lusk. (Adoption Ordinance, 2004)

**12-5-140. Throwing on Private Property.** It shall be unlawful and a nuisance for any person to distribute, cast, throw or otherwise place any newspaper, magazine, handbill, pamphlet, circular, dodger or any other paper on any private residential property in the Town of Lusk, without the express consent of the owner or of an adult occupant thereof, or of a person authorized by such owner or occupant to give such consent. (Prior Code 4-105, 1978)

**12-5-150. Destroying Authorized Advertisement.** No person shall mischievously, wantonly and maliciously tear down, deface or cover up any advertisement when the same is posted or put up in conformance with this Code or other Ordinances of the Town of Lusk or pursuant to the laws of the state. (Prior Code 4-106, 1978)

**12-5-160. False Advertising.** It shall be unlawful for any person with intent to sell, let, lease, rent or in any way offer or dispose of merchandise, products, securities, service, lodging or anything offered by such person, directly or indirectly, to the public for rent, lease, sale or distribution or with intent to increase the consumption thereof or to induce the public in any manner to enter into any obligation relating thereto or to acquire title thereto or any interest therein to make, publish, post, disseminate, display, circulate or place before the public, or cause, directly or indirectly to be made, published, posted, disseminated, displayed, circulated or placed before the public, in a newspaper or other publication or in form of a book, notice, handbill, poster, bill, circular, pamphlet, letter, sign or billboard or in any other way, an advertisement of any sort regarding such lodgings, meals, merchandise, products, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading. (Prior Code 4-107, 1978)

## TITLE 12

### BUSINESS AND COMMERCE

#### CHAPTER 10

#### DISTRESS SALES

##### Sections:

12-10-100	“Distress Merchandise Sale” Defined
12-10-110	Persons Exempted
12-10-120	Duties of Licensees
12-10-130	License Required
12-10-140	License Application
12-10-150	License Fees
12-10-160	Investigation
12-10-170	Issuance of License
12-10-180	License Restrictions
12-10-190	License Renewals
12-10-200	License Revocation

**12-10-100. “Distress Merchandise Sale” Defined.** The term “distress merchandise sale” shall mean any offer to sell or any sale of merchandise of any kind on the implied or direct representation that such sale is in anticipation of the termination of a business at its present location or the forced moving of location of the business or that the sale is being held other than in the ordinary course of business. The term “distress merchandise sale” shall include “going out of business sale,” “fire sales” and “bankruptcy sales.” (Prior Code 7-101, 1978)

**12-10-110. Persons Exempted.** The provisions of this chapter shall not apply to or affect the following persons:

- (a) Persons acting pursuant to an order or process of a court of competent jurisdiction.
- (b) Persons acting in accordance with their powers and duties as public officials.
- (c) Duly licensed auctioneers, selling at auctions.
- (d) Any publisher of a newspaper, magazine or other publication, who publishes in good faith, any advertisement, without knowledge of its false, deceptive or misleading character, or without knowledge that the provisions of this chapter have not been complied with. (Prior Code 7-102, 1978)

**12-10-120. Duties of Licensees.** A licensee under this chapter shall:

- (a) Make no addition whatsoever, during the period of the licensed sale, to the stock of goods set forth in the inventory attached to the application for license.
- (b) Refrain from employing any untrue, deceptive or misleading advertising.
- (c) Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.

(d) Keep available at the place of sale a duplicate copy of the inventory submitted with the application and shall present such duplicate to inspecting officials upon request.

(e) Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and shall make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale apprising the public of the status of all such goods. (Prior Code 7-103, 1978)

**12-10-130. License Required.** It shall be unlawful for any person to advertise or conduct a distress merchandise sale without first having obtained a license to do so in accordance with the provisions of this chapter. (Prior Code 7-201, 1978)

**12-10-140. License Application.** Any person desiring to conduct a distress merchandise sale shall make written application to the Town Clerk at least 30 days prior to the date on which said sale is to commence, on blanks furnished by the Town Clerk and verified by the applicant. Each application shall contain the following information and such other information as the Town Clerk may deem necessary.

(a) The name and address of the owner of the goods, wares, or merchandise to be the object of the sale and if the sale is to be conducted by a person not the owner of the goods, then the name of the person conducting such sale.

(b) A description of the place where such sale is to be held.

(c) The nature of the occupancy of the place where such sale is to be held, whether by lease or otherwise, and the effective date of termination of such occupancy.

(d) A full and complete statement of the facts regarding the distress merchandise sale, including the reason why such sale is being conducted, the manner in which such sale will be conducted and the commencement and termination date of such sale.

(e) The means to be employed in advertising such sale, together with the content of any proposed advertisement.

(f) A complete and detailed inventory of the goods, wares, and merchandise to be offered for sale, as disclosed by applicant's records. Such inventory shall be attached to and become a part of the required application.

(g) The place where such stock was purchased or acquired and the terms and conditions of such acquisition, and in the case of stock placed upon the premises within 90 days prior to such sale, the time of acquisition of such stock.

(h) A statement that all goods included in such inventory were purchased by the applicant for resale on bona fide orders without cancellation privileges and not goods purchased on consignment, or goods ordered in contemplation of conducting a distress merchandise sale. Any unusual purchases, or additions to the stock of goods of the business hereby affected, within 60 days before the filing of an application shall be deemed to be of such character. (Prior Code 7-202, 1978)

**12-10-150. License Fees.** The fee for licenses issued pursuant to this chapter shall be \$200.00, or as may be amended by the Town Council from time to time. (Prior Code 7-203, 1978)

**12-10-160. Investigation.** Upon receipt of the application the Town Clerk shall cause an investigation to be made of all the facts contained therein. No license shall be issued if any one or more of the following facts or circumstances are found to exist:

(a) That the inventory contains goods, wares, or merchandise not purchased by the applicant for resale on bona fide orders without cancellation privileges.

(b) that the inventory contains goods, wares, or merchandise purchased by the applicant on consignment.

(c) That the applicant either directly or indirectly and within two years prior to the date of the filing of the application, conducted a sale in connection with which he advertised or represented that the entire business conducted at the location designated in the application was to be closed out or terminated.

(d) That the applicant was granted a license hereunder within one year preceding the date of the filing of the application.

(e) That the applicant has heretofore been convicted of a violation of this chapter or has had a license issued to him pursuant to this chapter revoked within a five-year period immediately preceding the date of the present application for license.

(f) That the goods, wares or merchandise described in the inventory were transferred or assigned to the applicant for less than an adequate consideration.

(g) That the inventory contains goods, wares or merchandise purchased by the applicant or added to his stock in contemplation of such sale, and for the purpose of selling the same at such sale.

For the purpose of this subsection any unusual addition to the stock of such goods, wares or merchandise made within 60 days prior to the filing of such application shall be prima facie evidence that such addition was made in contemplation of such sale and for the purpose of selling the same at such sale.

(h) That the applicant has not been in business at the location described in the application for at least one year prior to the date of the filing of the application.

(j) That any representation made in such application is not true or any advertisement proposed to be used in connection with said sale is misleading. (Prior Code 7-204, 1978)

**12-10-170. Issuance of License.** When it appears that all the statements in the application are true and that the proposed sale is of the character represented therein, that the application is in full compliance with the terms and conditions of this chapter, and that the required license fee has been paid, the Town clerk shall issue a license to the applicant authorizing such applicant to advertise and conduct the sale as described in the application, subject to the following conditions:

(a) The sale shall be held at the place named in the application and by the particular license for a period of not more than 45 consecutive calendar days (Sundays and legal holidays excluded), next following the date of the issuance of said license; provided, that such license may be renewed pursuant to the provisions of § 12-10-190.

(b) Only the goods, wares, and merchandise described in the inventory attached to the application shall be sold at such sale.

(c) The license shall authorize only one type of sale described in the application at the location named therein.

(d) Upon the commencement of such sale and for its duration, the license issued hereunder shall be prominently displayed in the place of sale by the licensee.

(e) The licensee shall keep suitable books during the sale, at the location at which such sale is conducted, in which shall be made daily entries showing each item sold that day and the price paid by the purchaser. Such books shall be open for inspection by the municipal clerk and his duly authorized representative.

(f) Upon being issued a license hereunder for a distressed merchandise sale the licensee shall surrender to the municipal clerk all other business licenses he may hold at that time applicable to the location and goods covered by the application for a license under this chapter.

(g) Any license herein provided for shall not be assignable or transferable. (Prior Code 7-205, 1978)

#### **12-10-180. License Restrictions.**

(a) Any person who has not been the owner of a business advertised or described in the application for a license hereunder for a period of at least six months prior to the date of the proposed sale shall not be granted a license. Upon the death of a person doing business his heirs, devisees or legatees shall have the right to apply at any time for a license hereunder.

(b) Any person who has held a distress merchandise sale at the location stated in the application, within one year last past from the date of such application shall not be granted a license.

(c) Where a person applying for a license hereunder operates more than one place of business the license issued shall apply only to the one store, or branch specified in the application and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale. (Prior Code 7-206, 1978)

**12-10-190. License Renewals.** The Town Clerk shall renew a license for one period of time only, such period to be in addition to the 45 days permitted in the original license, and not to exceed 15 consecutive days (Sundays and holidays excluded), when he finds:

(a) That facts exist justifying the license renewal;

(b) That the licensee has filed an application for renewal;

(c) That the licensee has submitted with the application for renewal a revised inventory showing the items listed on the original inventory remaining unsold and not listing any goods not included in the original application and inventory. For the purpose of this subsection, any application for a license under the provisions of this chapter covering any goods previously inventoried as required hereunder, shall be deemed to be an application for renewal, whether presented by the original applicant or by any other person. (Prior Code 7-207, 1978)

**12-10-200. License Revocation.** The Town Clerk shall revoke any license issued if he shall find that the licensee has violated any provision of this chapter, has made any material misstatement in his application, has failed to include in the inventory required by the provisions of this chapter all of the goods, wares, and merchandise being offered for sale, has added or permitted to be added to such sale any goods, wares, or merchandise not described in the original application and inventory or has failed to keep suitable records of such sale. (Prior Code 7-208, 1978)

## TITLE 12

### BUSINESS AND COMMERCE

#### CHAPTER 15

#### PAWNBROKERS

##### Sections:

12-15-100	Defined
12-15-110	License Required
12-15-120	License; Fee; Transfer
12-15-130	License; Revocation
12-15-140	Bond
12-15-150	Record; Required
12-15-160	Records; Delivery to Police; Retention of Copy
12-15-170	Inspection of Records and Merchandise
12-15-180	Stolen or Illegally Obtained Property
12-15-190	Transactions with Minors
12-15-200	Pawn Finance Charges

**12-15-100. Defined.** For the purposes of this article, the term “pawnbroker” shall mean any person who advances or loans money or other valuable things on the deposit of personal property on the condition of selling the same back at a stipulated price. (Prior Code 16-101, 1978)

**12-15-110. License; Required.** No person shall at any time carry on the business of a pawnbroker without obtaining a Town and State license therefor. (Prior Code 16-102, 1978)

**12-15-120. License; Fee; Transfer.** The pawnbroker’s license fee is \$500.00 annually. The pawnbroker’s license is not transferable. (Prior Code 16-103, 1978)

**12-15-130. License; Revocation.** In addition to any other penalty which may be imposed for a violation of the provisions of this Chapter or Wyoming Statutes applicable to pawnbrokers or pawnshop operations, the Lusk Town Council may suspend or revoke the license of the pawnshop operation. (Prior Code 16-104, 1978)

**12-15-140. Bond.** Any applicant for a license under this article shall execute to the Town of Lusk a bond in the penal sum of \$1,000, conditioned that in the conduct of such business he will respect and obey the provisions of this Code and other ordinances of the Town of Lusk applicable thereto and will pay all damages that may accrue to any person by reason of any fraud or misconduct in managing such business. (Prior Code 16-106, 1978)

**12-15-150. Record; Required.** Every pawnbroker shall keep at his place of business an accurate description of all personal property, bonds, notes and other securities received on

deposit or purchased, the time when they were received or purchased and mentioning particularly any descriptive or identifying marks that may be on such property, bonds, notes or other securities, together with the name, residence and accurate description of the person by whom they were left and such other information as may be required by the Chief of Police. Such entries must be made on the day such property is taken in, using ink or indelible pencil, and no entry shall be erased or obliterated. All such records shall be clean and legible and in such form as the Chief of Police shall prescribe. (Prior Code 16-107, 1978)

**12-15-160. Records; Delivery to Police; Retention of Copy.** Before noon of each working day each pawnbroker shall deliver to the Police Department the original record by § 12-15-150, which shall include all of the business done on the preceding day and from the time of the last report to the day such report is made. The copy of such report shall be kept by the pawnbroker for his permanent records. (Prior Code 16-108, 1978)

**12-15-170. Inspection of Records and Merchandise.** Every pawnbroker shall, upon request, during the ordinary business hours, submit and exhibit the records required by § 12-15-150, to the inspection of police officers and permit any of such officers to make a copy thereof. He shall also, upon request, exhibit for the inspection of any of such officers any goods, personal property, bonds, notes or other securities that may be so received by him. (Prior Code 16-109, 1978)

**12-15-180. Stolen Or Illegally Obtained Property.** Any pawnbroker who shall have accepted, obtained or bought any property, bonds, notes or other securities of goods, either new or secondhand, from any person, not knowing the same to have been stolen or illegally obtained, shall deliver the same into the hands of the lawful owner when such owner shall have made a reasonably accurate and certain identification by means of number or description in the presence of the investigating officer. (Prior Code 16-110, 1978)

**12-15-190. Transactions With Minors.** No pawnbroker shall transact any such business with any person under the age of 18 years. (Prior Code 16-111, 1978)

**12-15-200. Pawn Finance Charges.** The finance charges and amounts a pawnshop operation may finance shall be in accordance with applicable Wyoming Statutes. (Adoption Ordinance, 2004)

**TITLE 12**  
**BUSINESS AND COMMERCE**  
**CHAPTER 20**  
**TAXICABS**

Sections:

12-20-100	Defined
12-20-110	Number Permitted
12-20-120	Operator's License
12-20-130	Taxicab License; Required
12-20-140	Taxicab License; Fees; Term
12-20-150	Liability Insurance Prerequisite to Issuance
12-20-160	Taxicab License; Issuance Generally
12-20-170	Fares
12-20-180	Vehicles; Coloration; Display of Word "Taxi."
12-20-190	Obtaining Ride Fraudulently
12-20-200	Cancellation of License for Violation

**12-20-100. Defined.** The term "taxicab" shall mean any motor vehicle kept for hire or caused to be kept for hire or for the use of which, whether for themselves or others, compensation is received by a person for the carrying or conveying of any article, thing or person whatsoever within the Town of Lusk. (Prior Code 22-101, 1978)

**12-20-110. Number Permitted.** The number of taxicabs which may be operated within the Town of Lusk shall be as set, from time to time, by the Town Council. (Prior Code 22-102, 1978)

**12-20-120. Operator's License.**

(a) All persons operating taxicabs must obtain a municipal operator's license from the Town Clerk.

(b) To obtain such an operator's license an applicant shall:

- (1) Register with the Clerk their valid Wyoming driver's license.
- (2) Pass a written or oral examination given by the Chief of Police.
- (3) Pay a fee to the Clerk in such an amount as the Town Council determines suitable for such licenses.

(c) Such operator's license shall be issued for a term of one year. (Prior Code 22-103, 1978)

**12-20-130. Taxicab License; Required.** All persons engaged in the business of operating taxicabs, for the carriage of passengers shall first obtain a taxicab license from the Town of Lusk. (Prior Code 22-104, 1978)



**12-20-140. Taxicab License; Fees; Term.**

(a) The fees for taxicab licenses shall be in such amounts as the Town Council shall establish.

(b) Such licenses shall be for a term of one year.

(Prior Code 22-105, 1978)

**12-20-150. Liability Insurance Prerequisite to Issuance.** Every person operating one or more taxicabs under the provisions of this Title shall show proof of liability insurance on such licensed vehicle in at least the following amounts:

(a) \$500,000 public liability per person, one million per accident.

(b) \$50,000 property damage.

(c) \$5,000 medical payments. (Prior Code 22-106, 1978)

**12-20-160. Taxicab License; Issuance Generally.** Taxicab licenses shall be issued by the Town Council if it determines that:

(a) The convenience and necessity of the public would be aided by the issuance of such license.

(b) The fees required by § 12-20-140 have been paid.

(c) The liability insurance required by § 12-20-150 has been obtained by the applicant. (Prior Code 22-107, 1978)

**12-20-170. Fares.**

(a) The Town Council shall, from time to time, determine the maximum fares which may be charged by any person operating a taxicab. When such maximums have been established, no such person shall charge any passenger a fare exceeding such maximums.

(b) Each person operating a taxicab shall display, in a prominent place within such taxicab, a complete listing of the fares charged by such operator. (Prior Code 22-108, 1978)

**12-20-180. Vehicles; Coloration; Display of Word "Taxi."** All taxicabs under the provisions of this chapter shall be painted to distinguish the vehicles from normal vehicles, and the word "Taxi" must be displayed and be visible from all directions. (Prior Code 22-109, 1978)

**12-20-190. Obtaining Ride Fraudulently.** It shall be unlawful for any person to secure a ride or transportation in a taxicab by fraud. Any person riding in a taxicab and refusing to pay the legal charge when his journey is completed will be presumed to have secured a ride by fraud. (Prior Code 22-110, 1978)

**12-20-200. Cancellation of License for Violation.** In addition to any other penalty which may be imposed for a violation of this Title, any license granted under the provisions of this Title may be cancelled at any time by the Town Council for a violation of any of the provisions of this Title. (Prior Code 22-111, 1978)

## TITLE 12

### BUSINESS AND COMMERCE

#### CHAPTER 25

#### TRANSIENT MERCHANTS

##### Sections:

12-25-100	Definition
12-25-110	Itinerant Merchant's License; Required
12-25-120	Itinerant Merchant's License; Fee
12-25-130	Uninvited Solicitation at Private Residences

**12-25-100. Definition.** For purposes of this Chapter, the terms “itinerant merchant,” “transient merchant” and “temporary merchant” shall include all persons, firms or corporations, both as principal and agent, who engage in, do, or transact any temporary or transient business by traveling from one or more places in the State, selling goods, wares, or merchandise, and whose principal place of business is not in the Town of Lusk, Wyoming. (Adoption Ordinance, 2004)

**12-25-110. Itinerant Merchant's License; Required.** No person shall, directly or indirectly, keep a store, sell, vend or retail any goods, wares and merchandise, without being first duly authorized by a license as provided in this Title; provided, that this chapter shall not be construed to apply to the sale of goods, wares or merchandise by resident merchants and does not apply to traveling agents who sell exclusively by samples or otherwise to regular merchants doing business in this Town. (Prior Code 23-101, 1978)

**12-25-120. Itinerant Merchant's License; Fee.** All itinerant, transient, and temporary merchants, as defined in § 12-25-100, shall pay a license fee as follows:

- (a) One day permit.....\$20.00
- (b) One week permit.....\$50.00
- (c) One month permit.....\$100.00

The permits shall indicate the date or dates that it is valid. A week permit shall be valid for 7 consecutive days and a month permit shall be valid for 30 consecutive days.

Special Event Organizers may apply to the Town Council for a Special Event Permit; if approved the fee shall be determined by the Town Council.

Permits shall be conspicuously displayed by the merchant at all times the merchant is engaging in or transacting business within the Town limited. (Amended Ordinance 2019; Prior Code 23-102, 1978)

**12-25-130. Uninvited Solicitation at Private Residences.** The practice of going in and upon private residences, in the Town of Lusk, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, not having been requested or invited to do so by the owner or occupant of such private residences, for the purpose of soliciting orders for

the sale of goods, wares and merchandise, or for the purpose of disposing or of peddling or hawking the same, is hereby declared to be unlawful and a nuisance. The Chief of Police and the police force of the Town shall suppress the same by citation and shall and abate any such nuisance. (Prior Code 23-103, 1978)

## TITLE 12

### BUSINESS AND COMMERCE

#### CHAPTER 30

#### CROP SPRAYING

##### Sections:

12-30-100	License Required; Contents
12-30-110	Definitions
12-30-120	License Fee
12-30-130	Bond Required
12-30-140	Transfer of License
12-30-150	License May be Revoked; Notice
12-30-160	Appeal
12-30-170	Penalty for Violation

**12-30-100. License Required; Contents.** Every person, firm or corporation now engaged in business or hereafter desiring to engage in the business of commercial airplane crop spraying service for hire and who is a transient operator and not based at the Lusk Municipal Airport shall make application to the Town Clerk for a license to operate such business at the Lusk Municipal Airport. Such application shall include the following information:

(a) The name or names of the person or persons having supervision of applicant's business during the time that it is to be carried on at the Lusk Municipal Airport; the local address or addresses of such person or persons while engaged in such business; the permanent address or addresses of such person or persons; the name and address of the person, firm, or corporation for whose account the business will be carried on, if any; and if a corporation, under the laws of what state the same is incorporated;

(b) The length of time during which it is proposed that said business shall be conducted;

(c) Whether or not the person or persons having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any municipal ordinance and the nature of such offense and the punishment therefor;

(d) Credentials from the person, firm or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative. (Ord. 27-101, 1986)

**12-30-110. Definitions.** For the purpose of this Chapter, a transient, commercial airplane crop spraying operator is defined as any person, firm or corporation, whether as owner, agent or employee, who engages in the business of aerial crop spraying for hire and who, in furtherance of such purpose, makes use of the Lusk Municipal Airport facilities, does not have aircraft hangared at the Lusk Municipal Airport and whose principal place of business is not Lusk, Wyoming. (Ord. 27-102, 1986)

**12-30-120. License Fee.** The fee for such license shall be the sum of \$50.00. Each license shall be issued for a period of one year from January 1 to December 31, and no license shall be issued for a lesser period of time than one year. The Town Clerk shall issue such license upon receipt of application, approval of the same and receipt of license fee. (Ord. 27-103, 1986)

**12-30-130. Bond Required.** Before any license shall be issued under this Chapter, applicant shall file with the Town Clerk a bond running to the Town of Lusk in the sum of \$5,000.00, executed by the applicant as principal and by two sureties upon whom service of process may be made in the State of Wyoming; said bond to be approved by the Town Attorney. Said bond shall be conditioned that the said applicant will comply fully with all of the provisions of the ordinances of the Town of Lusk and statutes of the State of Wyoming, and will pay all judgments and costs that may be recovered against him by any person or persons for damage growing out of any negligent acts or omissions of the applicant in the conduct of the business for which such license is issued. Action may be brought on the bond in the name of the Town to the use of the aggrieved person. (Ord. 27-104, 1986)

**12-30-140. Transfer of License.** No license shall be transferred without written consent from the Mayor as evidenced by an endorsement on the face of the license by the Town Clerk showing to whom the license is transferred and the date of the transfer. (Ord. 27-105, 1986)

**12-30-150. License May Be Revoked; Notice.**

(a) The permits and licenses issued pursuant to this Chapter may be revoked by the Mayor of the Town of Lusk, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any violation of this Chapter;
- (3) Conducting the business licensed under this Chapter 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 hearing for revocation of a license shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the 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 the hearing. (Ord. 27-106, 1986)

**12-30-160. Appeal.** Any person aggrieved by the decision of the Mayor in regard to the revocation of a license shall have the right to appeal to the Council of the Town of Lusk. Such appeal shall be taken by filing with the Council within 14 days after notice of the decision by the Mayor has been mailed to such person's last known address, a written statement, setting forth the grounds for the appeal. This Council shall set time and place for a hearing on such appeal, and notice of such hearing shall be given to such person in the same manner as provided in § 12-30-150 of this chapter for notice of hearing on revocation. The order of this Council on such appeal shall be final. (Ord. 27-107, 1986)

**12-30-170. Penalty for Violation.** Any violation of this Chapter may be punished, in addition to the revocation of the license hereinbefore provided, by imposition of a fine not to exceed \$750.00. Violation on separate days shall be considered as distinct and separate offenses and may be punished accordingly. (Ord. 27-108, 1986)

## **TITLE 13**

### **BUILDING AND CONSTRUCTION**

#### **Chapters:**

- 13-5 Regulatory
- 13-10 Building Inspector
- 13-15 Construction, Erection, Placement or Alteration of Structures
- 13-20 Moving of Structures
- 13-25 Demolition of Structures
- 13-30 Soils Program

#### **CHAPTER 5**

#### **REGULATORY**

#### **Sections:**

- 13-5-100 Building Numbering
- 13-5-110 International Building Code Adopted
- 13-5-120 National Electrical Code Adopted
- 13-5-130 International Plumbing Code Adopted
- 13-5-140 International Mechanical Code Adopted
- 13-5-150 International Residential Code Adopted
- 13-5-160 Filing and Availability of Codes and Amendments

##### **13-5-100. Building Numbering.**

Every dwelling or business structure in the municipality, now or hereafter erected, shall be numbered according to the numbering system adopted by the Town Council.

(a) The size and design of the numbers to be attached to each such structure shall be as established by the Town Council.

(b) The building inspector shall be responsible for implementation, maintenance and enforcement of the numbering system and, in that capacity, may maintain such records and map as are necessary to insure compliance with such system. (Prior Code 6-103, 1978)

**13-5-110. International Building Code Adopted.** Except as may be hereafter added to, deleted, modified or amended by Ordinance of the Town of Lusk, there is hereby adopted as the Building Code of the Town of Lusk, Wyoming, the most recent version of THE INTERNATIONAL BUILDING CODE; and said Code shall be controlling in the construction of Buildings and other structures and in all matters covered by said Code within the Corporate limits of the Town of Lusk, Wyoming and shall be known as the Lusk Building Code. (Prior Code 6-201, 1978, Amended 2019)

**13-5-120. National Electrical Code Adopted.** Except as may be hereafter added to, deleted, modified or amended by Ordinance of the Town of Lusk, there is hereby adopted as the Electrical Code of the Town of Lusk, Wyoming, the most recent version of THE NATIONAL ELECTRICAL CODE; and said Code shall be controlling in the construction of Buildings and other structures and in all matters covered by said Code within the Corporate limits of the Town of Lusk, Wyoming and shall be known as the Lusk Electrical Code (Prior Code 6-203, 1978, Amended 2019)

**13-5-130. International Plumbing Code Adopted.** Except as may be hereafter added to, deleted, modified or amended by Ordinance of the Town of Lusk, there is hereby adopted as the Plumbing Code of the Town of Lusk, Wyoming, the most recent version of THE INTERNATIONAL PLUMBING CODE; and said Code shall be controlling in the construction of Buildings and other structures and in all matters covered by said Code within the Corporate limits of the Town of Lusk, Wyoming and shall be known as the Lusk Plumbing Code (Prior Code 6-205, 1978, Amended 2019)

**13-5-140. International Mechanical Code Adopted.** Except as may be hereafter added to, deleted, modified or amended by Ordinance of the Town of Lusk, there is hereby adopted as the Mechanical Code of the Town of Lusk, Wyoming, the most recent version of THE INTERNATIONAL MECHANICAL CODE; and said Code shall be controlling in the construction of Buildings and other structures and in all matters covered by said Code within the Corporate limits of the Town of Lusk, Wyoming and shall be known as the Lusk Mechanical Code. (Prior Code 6-207, 1978, Amended 2019)

**13-5-150. The International Residential Code Adopted.**

(a) Except as may be hereafter added to, deleted modified or amended by Ordinance of the Town of Lusk, there is hereby adopted as the Residential Code of the Town of Lusk, Wyoming, the most recent version of THE INTERNATIONAL RESIDENTIAL CODE; and said Code shall be controlling in all matters covered by said Code within the Corporate limits of the Town of Lusk, Wyoming and shall be known as the Lusk Residential Code.

(b) The Building Official described in said Code shall be the duly appointed and serving Building Inspector for the Town of Lusk.

(c) The provisions in said Code dealing with a Housing Advisory Board and Appeals Board are not adopted. (Ord. 10-101, 1986; Prior Code 10-101, 1978, Amended 2019)

**13-5-160. Filing and Availability of Codes and Amendments.** At least one copy of each code adopted by this chapter and any ordinance providing for amendments, modifications, additions or deletions in such codes (adopted by the Town Council of the Town of Lusk) shall be maintained on file in the office of the clerk of the Town of Lusk where they shall be available for public inspection during the normal office hours of the Clerk of the Town of Lusk. One copy of each ordinance amending or modifying such code shall be kept with each copy of such code and made available for public inspection at the same time as and in the same manner as such code. (Prior Code 6-209, 1978)



## TITLE 13

### BUILDING AND CONSTRUCTION

#### CHAPTER 10

#### BUILDING INSPECTOR

##### Sections:

13-10-100	Building Inspector
13-10-110	Building Inspector Powers and Duties
13-10-120	Electrical Inspector
13-10-130	Electrical Inspector Not in Business
13-10-140	Right of Entry; Enforcement of Electrical Code
13-10-150	General Safety Supervision
13-10-160	Permits for Electrical Wiring

**13-10-100. Building Inspector.** There is hereby created the office of building inspector. The person chose to fill such office shall be qualified to interpret and properly enforce the provisions of the regulatory codes adopted by Chapter 5 of this Title and the provisions of the zoning and other ordinances of the Town of Lusk pertaining to buildings and other structures and the construction, placement, alteration, demolition or moving thereof. The building inspector shall be appointed by the Town Council. (Prior Code 6-301, 1978)

**13-10-110. Building Inspector Powers and Duties.** In addition to any other powers and duties which may be granted or imposed by the provisions of this code or other ordinances of the Town of Lusk, the building inspector shall have the following powers and duties:

(a) The building inspector shall have the duty to enforce the provisions of the regulatory codes adopted by Chapter 5 of this Title and any provision of this code or other ordinances of the Town of Lusk relevant to such regulations and for such purpose shall have the powers of a police officer.

(b) It shall be the duty of the building inspector to take all applications for permits required by the regulatory codes adopted by Chapter 5 of this Title and any provision of this code or other ordinances of the Town of Lusk relevant to such regulations. Upon ascertaining that all prerequisites to the issuance of such permits have been met, the building inspector shall issue the appropriate permits; provided, that the building inspector may impose such conditions upon such permits as are necessary to insure adherence to the provisions of such regulatory codes and provisions of this code and other ordinances of the Town of Lusk.

(c) It shall be the duty of the building inspector to perform all inspections necessary to insure compliance with all provisions of the regulatory codes adopted by Chapter 5 of this Title and other provisions of this Code or other ordinances of the Town of Lusk. For the purpose of making such inspections, the building, dwelling or structure, at reasonable times and upon presenting the proper credentials, in which work is being performed which falls within the scope of such regulatory codes.

(d) It shall be the duty of the building inspector to keep complete records of all permits issued, inspections performed and other official work performed under the provisions of this chapter. (Prior Code 6-302, 1978)

**13-10-120. Electrical Inspector.** There is hereby created the office of electrical inspector. At such time as the Town Council decides to fill this office, the person chosen to fill the office of electrical inspector shall be a competent electrician and shall be licensed as a journeyman electrician by the State Electrical Board of the Department of Fire Prevention and Electrical Standards of the State of Wyoming. (Prior Code 6-401, 1978)

**13-10-130. Electrical Inspector Not in Business.** The electrical inspector shall be appointed by the Town Council. It shall be unlawful for the electrical inspector to engage in the business of the installation and the maintenance of electrical wiring and appliances, either directly or indirectly, and he shall have no financial interest in any concern engaged in such business in the Town of Lusk at any time while holding office as electrical inspector. (Prior Code 6-402, 1978)

**13-10-140. Right of Entry; Enforcement of Electrical Code.** The electrical inspector is hereby authorized to enter any building, dwelling or structure, at reasonable times and by presenting the proper credentials, in which electrical work for either new construction, or additions to the existing electrical system is being made, which requires a permit or for which a permit has been granted. This right of entry is for the purpose of inspection of electrical work in progress or upon its completion. The electrical inspector is hereby authorized and directed to enforce all the provisions of the electrical code of the Town of Lusk, and for such purpose shall have the power of a police officer. (Prior Code 6-403, 1978)

**13-10-150. General Safety Supervision.** The electrical inspector is hereby authorized, empowered and directed to have the general supervision over the placing, stringing and attaching of telephone, telegraph, electric light or other wires, only insofar as fire prevention, accident or injury to persons or property is concerned, and any or all of such wires or electrical apparatus now existing as well as those hereafter constructed and placed, shall be subject to such supervision. (Prior Code 6-411, 1978)

**13-10-160. Permits for Electrical Wiring.** All persons who desire to have electrical wiring, electric fixtures, appliances or apparatus installed in or on any buildings or property, or removed from the interior or exterior of any building or property (except central station power houses or substations belonging to companies operating under a franchise, and with the exception of wiring installed by companies operating under federal, state or municipal franchise or regulation in the telephone, telegraph, railroad and radio and television transmission industries), shall procure a permit from the building inspector. It shall be unlawful for all contractors, workmen or individuals (not having applied for a permit for wiring) to in any way interfere with any electric wiring in or on any building or property in any manner whatsoever. (Prior Code 6-104, 1978)

## TITLE 13

### BUILDING AND CONSTRUCTION

#### CHAPTER 15

#### CONSTRUCTION, ERECTION, PLACEMENT OR ALTERATION OF STRUCTURES

##### Sections:

13-15-100	Permit Required
13-15-110	Designation of Place of Origin for Taxes
13-15-120	Application and Fees
13-15-130	Survey
13-15-140	Utilities; Permit Required

**13-15-100. Permit Required.** No person shall construct, erect, place or alter any building or other structure unless a building permit therefor has been issued by the Building Inspector. All permits shall conform to the provisions of this Chapter and shall be valid for a period not exceeding one year from the date of issue. (Adoption Ordinance, 2004)

**13-15-110. Designation of Place of Origin for Taxes.** Before a building permit shall issue pursuant to this Chapter for a building project with a construction cost of \$100,000.00 or more, the contractor or person other than the owner applying for the permit shall provide evidence that the applicant has secured a current Wyoming sales and use tax license with the designation of Niobrara County, Wyoming, as its location or origin. (Adoption Ordinance, 2004)

**13-15-120. Application and Fees.** An applicant for a building permit shall remit with the application a fee of \$50.00 or \$.01 per square foot (outside dimensions) of the building or structure, whichever is greater. The building permit application shall be on a form prescribed by the Town of Lusk and secured from the Town Clerk or the Building Inspector. (Adoption Ordinance, 2004; Amended 2022)

**13-15-130. Survey.** In the discretion of the Building Inspector, exercised on a case-by-case basis, a survey may be required with the building permit application, including a current Surveyor's Certificate with plat map, showing the lot lines and location of proposed buildings or structures. (Adoption Ordinance, 2004)

**13-15-140. Utilities; Permit Required.** No new utility or service hook-ups will be provided unless an approved building permit has been issued for the site where service is requested. (Adoption Ordinance, 2004)

**TITLE 13**  
**BUILDING AND CONSTRUCTION**  
**CHAPTER 20**  
**MOVING OF STRUCTURES**

**Sections:**

13-20-100	Permit Required
13-20-110	Application for Permit
13-20-120	Deposits and Fees
13-20-130	Issuance of Permit
13-20-140	Revocation of Permit
13-20-150	Route of Move; Cutting of Wires
13-20-160	Owner to Cut Wires
13-20-170	Occupancy of Structure While in Transit
13-20-180	Protection of Streets, Sidewalks and Other Property

**13-20-100. Permit Required.** No person shall move any structure on or over any of the streets, alleys or other property in the Town of Lusk without first having secured a permit to do so. (Prior Code 6-601, 1978)

**13-20-110. Application for Permit.** Any person desiring or intending to move any structure shall make written application for a permit on the form prescribed by § 13-15-120 and shall set forth the kind, size and height of the structure to be moved, the location from which, and to which, the same is to be moved, the route to be followed as approved by the Town of Lusk. The building shall be inspected and approved by the building inspector and the applicant shall agree to conform with the Zoning, Building, Electrical, Plumbing Codes and all pertinent provisions of this Code or other ordinances of the Town of Lusk. (Prior Code 6-602, 1978)

**13-20-120. Deposits and Fees.** Before the permit required by §13-20-100 is issued, the applicant shall supply the following:

(a) Assurance that he has adequate machinery, appliances and equipment for the proper move.

(b) Evidence of liability insurance with policy limits not less than 500,000.00 as protection to persons and property against damage by the moving operations.

(c) A cash deposit in such amount as the Building Inspector deems appropriate, which deposit will be held to insure payment of any expenses of cutting wires and reuniting same and moving and replacing poles and any other expenses that may arise as a result of such move.

(d) A fee as set forth in § 13-15-120. (Prior Code 6-605, 6-609, 1978)

**13-20-130. Issuance of Permit.** When the required fees and costs have been paid, there shall be issued to the applicant a permit granting him the right to move the structures

described in his application and which will specify the route therefor. (Prior Code 6-603, 1978)

**13-20-140. Revocation of Permit.** Any permit granted under the terms of this article may be revoked when it becomes known that the permittee is in any manner whatsoever failing to comply with the terms thereof. In the event of such revocation, any person to whom such permit was granted shall thereafter be unlawfully operating without a permit and subject to punishment as provided in § 2-35-100. (Prior Code 6-604, 1978)

**13-20-150. Route of Move; Cutting of Wires.** It shall be the duty of a permittee to move the structure for which a permit is granted as expeditiously as possible and no deviation from the assigned route shall be made except with prior approval. Before granting the permit the building inspector shall be sure that the application and route for moving has been approved by the chief of the fire Department, the chief of police and such other officials of the Town of Lusk as appropriate and shall have determined the effect of such move on property situated along the proposed route. The moving permit shall disclose the time when moving operations will commence. If the cutting of wires or removing of poles is necessary for the moving of any structure, the person so desiring the same shall give the owner of such wires or poles at least 24 hours written notice of such desire. (Prior Code 6-606, 1978)

**13-20-160. Owner to cut Wires.** The owner, or his agents or employees, of any wires, poles or other structures which must be temporarily removed to permit moving of structures shall remove such structure to permit passage of the structure. No one other than the owner thereof, or the owner's agent or employee, shall remove or injure any wire, pole or other such structure. (Prior Code 6-607, 1978)

**13-20-170. Occupancy of Structure While in Transit.** No structure which is being moved upon or over streets, alleys or property of the Town of Lusk shall be occupied while in transit. (Prior Code 6-608, 1978)

**13-20-180. Protection of Streets, Sidewalks and Other Property.** The permittee shall protect any streets, sidewalks or alleys or other property traversed and trees and shrubs upon or adjoining such areas from injury during the transit of any structure and shall be liable for any damage to such property. If necessary, the Town of Lusk may provide an inspector to oversee the moving of such building for the protection of property. The permittee shall pay for such additional service. (Prior Code 6-610, 1978)

**TITLE 13**  
**BUILDING AND CONSTRUCTION**  
**CHAPTER 25**  
**DEMOLITION OF STRUCTURES**

**Sections:**

13-25-100	Permit Required
13-25-110	Permit Applications
13-25-120	Permit Fee
13-25-130	Permit Conditions Prerequisite
13-25-140	Permit Issuance
13-25-150	Performance of Work

**13-25-100. Permit Required.** No person shall demolish any shed, garage, house or other structure of similar or greater size without first having procured a permit to do so from the building inspector. (Prior Code 6-701, 1978)

**13-25-110. Permit Applications.** Any person desiring or intending to demolish any structure for which a permit is required by § 13-25-100 shall first make application for a permit to the Building Inspector. In such application shall be set forth the location, kind and size of the structure to be demolished. (Prior Code 6-702, 1978)

**13-25-120. Permit Fee.** There shall be a fee for the permit as required by § 13-15-120. (Prior Code 6-703, 1978)

**13-25-130. Permit Conditions Prerequisite.** Before a permit is issued pursuant to this article, the applicant shall supply the following:

(a) Assurance that he has at his disposal adequate machinery, appliances and equipment for the proposed demolition.

(b) Evidence that the applicant has general liability insurance in an amount which is deemed adequate by the Building Inspector to cover incidents which might occur in the course of such work.

(c) A cash deposit or performance bond in an amount to be determined by the Building Inspector, which deposit or bond is to assure the Town of Lusk of the applicant's compliance with all applicable provisions of this Code and other ordinances and regulations of the Town of Lusk and to assure completion of demolition and cleanup of the premises within the time limit set forth in the permit to do such work. (Prior Code 6-704, 1978)

**13-25-140. Permit Issuance.** Upon payment of the fee required pursuant to § 13-15-120 and the fulfilling of all conditions required by § 13-25-130, the Building Inspector shall issue to the applicant the required permit. (Prior Code 6-705, 1978)

**13-25-150. Performance of Work.** Any person performing any demolition work within the Town of Lusk for which a permit is required by § 13-25-100 shall:

- (a) Pursue such work with all due diligence;
- (b) Provide for the protection of adjoining property and persons by erecting fences and protective barriers and implementing other protective measures as the building inspector deems necessary for protection against fire and dust;
- (c) Clear the land of all building remains and other debris;
- (d) Backfill all excavations and level the land if a new structure is not begun within 60 days. (Prior Code 6-706, 1978)

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## TITLE 13

### BUILDING AND CONSTRUCTION

#### CHAPTER 30

#### SOILS PROGRAM

##### Sections:

13-30-100	Defined
13-30-110	Exceptions to Chapter
13-30-120	Permit Required
13-30-130	Submission of Application and Plans
13-30-140	Examination of Application
13-30-150	Permit Contents
13-30-160	Conduct; Correction of Deficiencies by Municipality

**13-30-100. Defined.** The term “soils program,” as used in this article, shall mean any change in contour of land by grading or excavating or the removal or destruction of natural top soil, vegetation or natural ground cover, of any kind or nature, or any cut or fill program. (Prior Code 6-801, 1978)

**13-30-110. Exceptions to Chapter.** The provisions of this Chapter shall not be applicable to basements, foundations, water or sewer excavations, or to grading of individual platted lots in connection with immediate construction thereon. (Prior Code 6-802, 1978)

**13-30-120. Permit Required.** No person shall make any change in the contours of any property within the municipality or in any manner or means removed or destroy the natural topsoil, trees or other vegetation thereon, or enter upon any cut and fill program or in any manner disturb the natural terrain without first submitting to the Building Inspector the plans and specifications for such soils program, paying an application fee of \$10.00, and obtaining a soil program permit therefor. (Prior Code 6-803, 1978)

**13-30-130. Submission of Application and Plans.** Any person desiring to conduct a soils program shall first submit to the building inspector an application for a permit, which application shall include the plans and specifications for the soils program, which shall include the following:

- (a) A location map showing the general area;
- (b) The amount of area to be exposed;
- (c) The type of vegetation to be removed from the exposed area and the method of reseeding or type of ground cover to be placed thereon;
- (d) The proposed method of controlling siltation, water drainage, wind and water erosion, during and after construction;
- (e) Soils classification in accordance with the unified soil classification system;
- (f) Time involved for completion of the program. (Prior Code 6-804, 1978)



**13-30-140. Examination of Application.**

(a) The building inspector shall examine the application for permit and if, in his opinion, the provisions in such application for controlling water drainage, siltation and erosion are sufficient to protect the exposed and surrounding area, he shall issue a permit for the soils program.

(b) If, in the opinion of the building inspector, the controls are insufficient, he shall so notify the applicant and shall set forth in such notice wherein the controls are deficient and shall prescribe such measures as are necessary to maintain such control, including, but not limited to, siltation basins, drift fences, seeding, temporary and permanent ground cover, and the like. Upon the applicant's acceptance of the additional measures prescribed by the building inspector, the building inspector shall issue a permit to conduct such soils program subject to the additional measures prescribed by him.

(c) No soils program permit shall be issued for structures on the land described in the soils program during any period which such person refuses to complete the term of the soils program permit or pay the cost thereof or is in default of correcting any deficiencies in the program. (Prior Code 6-805, 1978)

**13-30-150. Permit Contents.** The soils program permit shall incorporate therein the provisions for controlling water drainage, siltation and erosion and an agreement on the part of such person to pay the cost of the controls in the event the Town of Lusk performs such work in accordance with the provisions of this article. (Prior Code 6-806, 1978)

**13-30-160. Conduct; Correction of Deficiencies by Municipality.** Upon the issuance of a soils program permit and the acceptance thereof, such person shall be bound to conduct the soils program in accordance therewith. If the person fails to conduct the program in accordance with the terms of the permit, the building inspector shall issue a notice to correct such deficiencies. If such person fails to correct such deficiencies within 30 days after the mailing of the notice, the Town of Lusk may proceed to correct such deficiencies in accordance with the permit and soils program and shall charge such person with the cost thereof. (Prior Code 6-807, 1978)

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## **TITLE 14**

### **SUBDIVISIONS**

#### **Chapters:**

- 14-5 General Provisions
- 14-10 Preliminary Plat
- 14-15 Final Plat
- 14-20 Design Standards
- 14-25 Improvements, Dedication, Reservations
- 14-30 Mobile Home Subdivisions
- 14-35 Mobile Home Parks
- 14-40 RV Parks
- 14-45 Administration Provisions

### **CHAPTER 5**

#### **GENERAL PROVISION**

#### **Sections:**

- 14-5-100 Rules of Construction of Language
- 14-5-110 Streets and Alleys
- 14-5-120 Subdivider
- 14-5-130 Subdivision
- 14-5-140 Authority
- 14-5-150 Control Over Platting
- 14-5-160 Jurisdiction

#### **14-5-100. Rules of Construction of Language.**

- (a) The particular controls the generals.
  - (b) In case of any difference of meaning or implication between the text of this Ordinance and the captions for each section, the text shall control.
  - (c) The word "shall" is always mandatory and not directory. The word "may" is permissive.
  - (d) Words used in the present tense include the future, unless the context clearly indicates the contrary.
  - (e) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- (Prior Code 21-101, 1978)

**14-5-110. Streets and Alleys.** The term "street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

(a) "Major streets" are those right-of-ways which are used primarily for fast moving, heavy traffic which may or may not be destined to stop in the Lusk region.

(b) "Collector streets" are those right-of-ways which carry traffic from local streets to the system of major streets and highways and move local traffic to parks, schools and shopping centers.

(c) "Local streets" are those right-of-ways which are used primarily for access to the abutting properties.

(d) "Alleys" are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

(Prior Code 21-102, 1978)

**14-5-120. Subdivider.** The term "subdivider" or "developer" means any person, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a subdivision. (Prior Code 21-103, 1978)

**14-5-130. Subdivision.** The term "subdivision" means the creation or division of a lot, tract, parcel or other unit of land for the immediate or future purpose of sale, building development or redevelopment for residential, recreational, industrial, commercial or public uses. The word "subdivide" or any derivative thereof shall have reference to the term subdivision, including mobile home courts, the creation of which creates a subdivision of land. (Prior Code 21-104, 1978)

**14-5-140. Authority.** No Final Plat of a subdivision shall be approved by the Planning and Zoning Board and accepted by the Town Council unless it conforms to the provisions of this Title. (Prior Code 21-105, 1978)

**14-5-150. Control Over Platting.**

(a) All plats of subdivisions of land requiring approval of the Town Council of Lusk, Wyoming, shall be filed and recorded only after having been approved by the Planning and Zoning Board with such approval entered in writing on the plat and signed by the Mayor.

(b) No building shall be erected on any lot, nor shall a building permit be issued for a building unless the street giving access to the lot upon which such building is proposed to be placed shall have been approved by the Town Council as a part of an official subdivision.

(Prior Code 21-106, 1978)

**14-5-160. Jurisdiction.** This Title is applicable within the following described area: all land located within the legal boundaries of the Town of Lusk and all land located within one mile of the Town of Lusk which requires approval of the Town Council, plus all land located between one mile and three miles of the Town of Lusk for advisory purposes only. (Prior Code 21-107, 1978)

**TITLE 14**  
**SUBDIVISIONS**  
**CHAPTER 10**  
**PRELIMINARY PLAT**

**Sections:**

14-10-100	Vicinity Sketch Map
14-10-110	Preliminary Plat
14-10-120	Preliminary Plat Processed As Follows
14-10-130	Preliminary Plat Prepared As Follows
14-10-140	Preliminary Plat Contains the Following Information
14-10-150	Preliminary Plat Additional Information

**14-10-100. Vicinity Sketch Map.** In order to properly evaluate a prospective area for subdividing, a vicinity sketch map shall be prepared at a scale of not less than one inch equals 400 feet, extending at least one-quarter mile surrounding the proposed subdivision, and showing existing streets and highways, natural drainage courses, and similar major natural or man-made features of the area. In addition, existing and proposed major use areas for residential, commercial, industrial and public purposes shall be shown on the map. This sketch map shall be presented to the Town Clerk prior to submission of the Preliminary Plat. (Prior Code 21-201, 1978)

**14-10-110. Preliminary Plat.** After the subdivider has reached preliminary conclusions concerning the feasibility and design of his proposed subdivision, he shall prepare a Preliminary Plat and required supplemental material for presentation to and approval of the Planning and Zoning Board. The purpose of this preliminary review is to check the proposed subdivision against Town design standards and improvement requirements and to be sure that Town zoning and master plan standards can be met. Through analysis of the problems at this stage will expedite approval of the First Plat and will prevent the repeating of expensive calculations and drafting required for the Final Plat. (Prior Code 21-202, 1978)

**14-10-120. Preliminary Plat Processed As Follows:**

(a) The copies of the Preliminary Plat and required supplemental material shall be presented by the subdivider to the Town Clerk. If the plat is in acceptable condition according to these regulations, the Town Clerk shall immediately notify the secretary of the Planning and Zoning Board that the plat has been filed and shall furnish the following agencies with a copy for their review and comments:

- (1) Town Building Inspector
- (2) County Health Officer
- (3) Municipal Department Superintendents, including water, sewer, streets, sanitation, and electrical
- (4) Wyoming Department of Transportation (when appropriate)

(5) Lusk Zoning Board

(6) Fire Chief

(b) The above agencies shall have 10 days from the date they received the plat to review and return it to the Town Clerk. Failure to return the plat or otherwise to notify the Town Clerk's office shall constitute approval by the agency.

(c) Promptly upon expiration of the 10-day period, the Town Clerk shall submit the Preliminary Plat and all comments received from the various agencies to the Planning and Zoning Board.

(d) The Planning and Zoning Board shall consider the comments of the other agencies before reaching its decision to approve, conditionally approve or disapprove the plat.

(e) Within 30 days after receiving the Preliminary Plat, the Planning and Zoning Board shall notify the subdivider of its approval, conditional approval or disapproval. When circumstances require an additional period of time for review, the Planning and Zoning Board shall notify the subdivider in writing of the extended time period required. If the plat is conditionally approved or disapproved, the reason shall be noted in writing, and, if possible, recommendations made whereby the plat might gain approval. Approval of the Preliminary Plat shall be valid for no longer than one year. A six-month extension of time may be granted on the basis of unforeseen circumstances.

(f) Whenever a Preliminary Plat is conditionally approved or disapproved, the subdivider or an interested official agency may request in writing a further review and hearing before the Town Council.

(Prior Code 21-202, 1978)

**14-10-130. Preliminary Plat Prepared As Follows:**

(a) The design shall be in accordance with the subdivider's plans for actual development and therefore shall be a true representation of the subdivision which may eventually be recorded.

(b) The drawing shall be made at a scale of not less than one inch equals 100 feet, on a reproducible medium with outer dimensions of not more than 40 inches by 35 inches. (The Final Plat shall be 22 inches by 36 inches)

(Prior Code 21-202, 1978)

**14-10-140. Preliminary Plat Contains the Following Information:**

(a) Proposed name of the subdivision, which shall not conflict with any existing recorded subdivision in Niobrara County;

(b) Location and boundaries of the subdivision as a part of some larger subdivision or tract of land;

(c) Names and addresses of the subdivider, the designer of the subdivision, and the engineer or surveyor (who shall be licensed by the Wyoming State Board of Examiners for Engineers and Land Surveyors);

(d) Date of preparation, scale and north sign (designated as true North);

(e) Total acreage of the subdivision;

(f) Location and principal dimensions for all existing streets (including their names) alleys, easements, water courses, and other important features within and adjacent to the tract to be subdivided;

(g) Location and principal dimensions for all proposed streets (including their names) alleys, easements, lot lines, and areas to be reserved or dedicated for parks, schools or other public uses;

(h) Topography at two foot intervals;

(j) Designation of areas subject to inundations;

(k) Site data, including the number of residential lots and typical lot sizes;

(l) Proposed sites, if any, for multiple-family residential use, business areas, industrial areas, churches and other non-public uses exclusive of one-family residential areas;

(m) Zoning on and adjacent to the tract;

(n) The names of abutting subdivisions or the names of the owners of abutting unplatted property;

(o) The location and size of existing utilities within or adjacent to the tract.

(Prior Code 21-202, 1978)

**14-10-150. Preliminary Plat Additional Information.**

(a) The Preliminary Plat shall be accompanied by such additional preliminary information as may be required by the Planning and Zoning Board in order to adequately describe proposed utility systems, including water and sewer line design, electrical and other utility lines, surface improvements, or other construction projects contemplated within the area to be subdivided.

(b) It shall also be accompanied by an application form for rezoning, if required for the development of the subdivision.

(Prior Code 21-202, 1978)

**TITLE 14**  
**SUBDIVISIONS**  
**CHAPTER 15**  
**FINAL PLAT**

**Sections:**

14-15-100	Final Plat Processed
14-15-110	Final Plat Preparation
14-15-120	Final Plat Contents
14-15-130	Final Plat Accompaniments.

**14-15-100. Final Plat Processed.**

(a) Not more than 12 months after approval of the Preliminary Plat, the original and two copies of the final Plat and required supplemental material shall be presented by the subdivider to the Town Clerk.

(b) Design of the Final Plat shall conform to the approved Preliminary Plat and shall include all changes specified thereon.

(c) Within 10 days the Town Clerk shall review the Final Plat to assure its acceptability and at least seven days prior to the next regular Planning and Zoning Board which, at such meeting, shall approve conditionally, approve or disapprove the Final Plat.

(d) After a Final Plat is approved by the Planning and Zoning Board, it shall be submitted to the Town Council for acceptance or rejection.

(e) The Final Plat shall be recorded in the office of the Niobrara County Clerk and Recorder within 100 days after approval by the Town Council, or the approval shall be considered null and void unless written application for an extension is made to and granted by the Town Council during this time.

(Prior Code 21-203, 1978)

**14-15-110. Final Plat Preparation.**

(a) The design of the Final Plat shall conform to the Preliminary Plat as conditionally approved, except that the Final Plat may constitute only that portion of the approved Preliminary Plat which is proposed for immediate recording.

(b) The drawing shall be made at a scale of not less than one inch equals 100 feet, by the use of India ink or other equally substantial solution, on tracing cloth with outer dimensions of 22 inches by 36 inches. Good draftsmanship shall be required in order for all information to be accurate and legible.

(Prior Code 21-203, 1978)

**14-15-120. Final Plat Contents.**

(a) The Final Plat shall contain:

- (1) The proposed name of the subdivision;
- (2) Scale, north sign, and date of preparation;



- (3) Legal description of the property;
  - (4) Primary control points, or descriptions and "ties" to control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;
  - (5) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings or deflection angles, and radii, arcs or chords and central angles of all curves;
  - (6) Rights-of-way widths for each street or other right-of-way;
  - (7) Names for each street with nature or geographical terms preferred;
  - (8) Location, dimensions and purpose of any easements;
  - (9) Number to identify each block and each lot or site;
  - (10) Location and description of monuments;
  - (11) Certification of title showing that applicant is the land owner;
  - (12) Statement by owner dedicating streets, rights-of-way and any sites for public uses;
  - (13) Certification by surveyor or engineer certifying to accuracy of survey and plat;
  - (14) Certifications for approval by the Planning and Zoning Board, by the Town Council, and, when appropriate, by the County Commissioners.
- (Prior Code 21-203, 1978)

**14-15-130. Final Plat Accompaniments.**

(a) The Final Plat shall be accompanied by a statement that required improvements are in place. or a completion bond, a certified check, or such other financial arrangement as may be required by the Town Council to guarantee that all required improvements will be constructed according to Town specifications. (Prior Code 21-203, 1978)

**TITLE 14**  
**SUBDIVISIONS**  
**CHAPTER 20**  
**DESIGN STANDARDS**

**Sections:**

14-20-100	Site Considerations
14-20-110	Streets, Alleys and Easements
14-20-120	Blocks
14-20-130	Lots

**14-20-100. Site Considerations.**

(a) Unstable land and areas having inadequate drainage shall be noted and unless acceptable provisions are made for eliminating or controlling problems which may endanger health, life or property, such areas shall not be platted for residential occupancy.

(b) Any land subject to flooding or in a natural drainage channel shall not be platted for residential occupancy unless adequate provisions to eliminate or control flood hazards are made and approved by the Town Clerk.

(c) Where a residential subdivision borders a railroad right-of-way, a parallel street or buffer strip shall be required. (Prior Code 21-301, 1978)

**14-20-110. Streets, Alleys and Easements.**

(a) Streets shall conform to the comprehensive street and highway plan for the Town of Lusk, Wyoming, and surrounding region.

(b) Streets and easements shall be aligned to join with planned or existing streets and easements.

(c) Street shall have a logical relationship to the topography.

(d) Intersections shall be at right angles wherever possible.

(e) Local streets shall be designed to discourage through traffic.

(f) Cul de sacs shall be permitted, provided they are not more than 500 feet in length and have a turnaround diameter of at least 100 feet. Surface drainage shall be toward the intersecting street, or if this is not possible, a drainage easement shall be required through the cul de sac.

(g) Dead-end streets and dead-end alleys (with the exception of cul de sacs) shall be prohibited unless they are designed to connect with future streets or alleys in adjacent land that has not been platted.

(h) Restriction of access shall be required when a subdivision or portion thereof adjoins a major street. Marginal access streets, reverse frontage with screen planting contained in a non-access reservation, deep lots or similar treatment shall be required to reduce the impact of the traffic on residential properties and to avoid interference with the movement of the traffic on thoroughfares.

(j) Local streets shall be designed to discourage through traffic.

(k) Half streets shall be prohibited. When a proposed half street in one subdivision is adjacent to another property the approval of the adjacent owner shall be obtained and the entire street shall be platted. The responsibility for acquiring the additional right-of-way shall be the subdividers. Permanent improvement of a street shall not proceed until the full width is dedicated.

(l) Reverse curves on major streets shall be joined by a tangent at least 200 feet in length.

(m) Reverse strips, controlling access to streets, are permitted only when the control of such strips is given to the Town.

(n) Street, alley and easement right-of-way widths and grades shall be as follows:

<b>Classification</b>	<b>Minimum Right-of-way Width</b>	<b>Minimum Grade</b>	<b>Maximum Grade</b>
Major Streets	100'	0.3%	5%
Collector Streets	80'	0.3%	8%
Local Streets	60'	0.3%	8%
Marginal Access Streets	40'	0.3%	8%
Alleys	20'	0.3%	8%
Easements	20'	0.3%	8%

(n) Alleys and Easements

(1) Alleys in residential subdivisions shall be prohibited unless they are necessary and desirable to continue an existing pattern;

(2) Alleys, shall be provided in business and industrial areas except that this requirement may be waived where other provisions are made and approved for service access;

(3) Easements of not less than 10 feet (totaling 20 feet) shall be provided on each side of all rear lot lines and along certain side lot lines for utilities where alleys are not provided. (Prior Code 21-302, 1978)

#### **14-20-120. Blocks.**

(a) Blocks shall be more than 400 feet in length but not more than 1320 feet

(b) Block lengths and widths shall be suitable for the uses contemplated and the requirements pertaining to minimum lot sizes and dimensions. (Prior Code 21-303, 1978)

#### **14-20-130. Lots.**

(a) Lot dimensions and sizes shall be at least as large as required by applicable zoning requirements.

(b) Each lot shall have access to a public street.

(c) Lots with frontage on two parallel streets shall be avoided, except where essential to provide separation from major arterial streets.

(d) Side lot lines shall be substantially at right angles to straight streets or radial to curved streets. (Prior Code 21-304, 1978)

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## TITLE 14

### SUBDIVISIONS

#### CHAPTER 25

#### IMPROVEMENTS, DEDICATIONS, AND RESERVATIONS

##### Sections:

14-25-100	Improvements
14-25-110	Reservations
14-25-120	Dedications
14-25-130	Guarantee

**14-25-100. Improvements.** If the area is within or is to be annexed to the Town, the following improvements shall be constructed, according to specifications approved by the Town Clerk:

- (a) Permanent survey monuments shall be set at all subdivision boundary corners and at points within the subdivision not more than 1,320 feet nor less than 660 feet apart and placed in such locations so as not to be disturbed during construction. Such monuments shall be of concrete installed at least 36 inches in depth and four inches square, with a suitable center point.
- (b) Curbs, gutters and sidewalks shall be constructed.
- (c) Streets shall be paved.
- (d) Sanitary sewers shall be connected to the Town system.
- (e) Storm water drainage shall be separate from the sanitary sewers.
- (f) Water service lines shall be designed and constructed to connect each lot with water mains constructed by the Town.
- (g) All open drains and irrigation ditches shall be covered.
- (h) Other improvements, not specifically mentioned herein but found necessary and desirable due to the then requirements of the Town and conditions found necessary and desirable on the site by the Town Clerk, including but not limited to bridges, culverts and garbage racks shall be constructed. (Prior Code 21-401, 1978)

**14-25-110. Reservations.** Reservation of sites for schools or other public uses shall be mutually agreed upon by the subdivider and the public agencies involved prior to the acceptance of the Final Plat. (Prior Code 21-402, 1978)

**14-25-120. Dedications.** Dedications of right of ways for public streets and for utility easements shall be required. (Prior Code 21-403, 1978)

**14-25-130. Guarantee.**

(a) The Final Plat shall be accompanied by a statement indicating that all required improvements are in place or by a completion bond, a certified check or such other financial arrangement as may be required by the Town Council to guarantee that all required improvements will be constructed according to Town specifications.

(b) As each stage of improvements is completed and accepted, any guarantee bond or certified check which has been posted for that stage of improvements shall be released upon written request by the subdivider to the Town Council. (Prior Code 21-404, 1978)

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## TITLE 14

### SUBDIVISIONS

#### CHAPTER 30

#### MOBILE HOME SUBDIVISIONS

##### **Sections:**

- 14-30-100     General Provisions
- 14-30-110     Development Requirements

##### **14-30-100. General Provisions.**

(a) A separate designation of a subdivision for mobile homes is created for the purpose of providing for an area, parcel, or tract of land, whether to be annexed to the Town of Lusk or already within the corporate limits of the Town of Lusk and to be resubdivided, which provides for private ownership of lots for single-family mobile homes and ensures and promotes a quality living environment.

(b) No uses are permitted other than those designed to serve the residents of the mobile home subdivision, and which are compatibly and harmoniously incorporated into the design of the subdivision as shown on the site plan.

(c) In addition to all of the requirements and provisions of this Title regarding preliminary plats, final plats and site plans, the requirements of this Chapter shall specifically apply to mobile home subdivisions. (Adoption Ordinance, 2004)

##### **14-30-110. Development Requirements.**

(a) All mobile homes shall be fully skirted

(b) Set-back requirements in mobile home subdivisions:

- (1) Front yard 20 feet
- (2) Side yards 12 feet
- (3) Rear yard 10 feet
- (4) Yards adjacent to public roadway 20 feet

(c) All lots shall front onto the interior streets of the mobile home subdivision.

(d) Minimum lot size shall be controlled by the setback requirements. Developers should design lots to satisfy double-wide mobile home owners as well as single-wide mobile home owners. Areas for storage of recreational vehicle, boats, and such property should be provided within a common area or on each lot.

(e) Roadways and walkways

(1) If roadways are to be dedicated to the Town of Lusk, the right-of-way must be at least 60 feet in width and the paved area must be at least 40 feet in width. There must be curbs, gutters, and sidewalks at least 42 inches in width installed by the developer.

(2) All roadways within the mobile home subdivision shall be paved, with a minimum of 36 inch curb, gutter, and sidewalk section. In no case shall the pavement be less than 24 feet in width.

(3) Minimum paving specifications call for seal coat and chips, two inch hot mix asphalt, and 6 inch well-graded base.

(4) Minimum curb and gutter specifications call for six inch portland cement concrete construction.

(f) Roadways and walkways shall be lighted to produce a minimum of 0.2 footcandles of light at the time of installation and at eye level throughout the street system. Lighting is the responsibility of the developer if roadways are private.

(g) Open space for the residents of the mobile home subdivision shall be provided in accordance with the following standards:

(1) Minimum gross acres in the development as to number of dwelling units:

- (A) 1-2 units, 3.99 acres
- (B) 3-4 units, 5.99 acres
- (C) 5-6 units, 7.99 acres
- (D) 7-8 units, 9.99 acres
- (E) 9-10 units, 11.99 acres

(2) Minimum percentage of development to be reserved for open space as to number of dwelling units:

- (A) 1-2 units, 3%
- (B) 3-4 units, 6%
- (C) 5-6 units, 9%
- (D) 7-8 units, 10%
- (E) 9-10 units, 11.5%

(h) A homeowner's association is required to be made a part of the restrictive covenants unless the developer has an alternate method of maintaining common properties which is acceptable to the Town of Lusk.

(Adoption Ordinance, 2004)



**TITLE 14**  
**SUBDIVISIONS**  
**CHAPTER 35**  
**MOBILE HOME PARKS**

**Sections:**

14-35-100	General Provisions
14-35-110	Mobile Home Park Requirements
14-35-120	Mobile Home Space Requirements
14-35-130	Roadways and Walkways
14-35-140	Minimum Paving Specifications
14-35-150	Lighting
14-35-160	Open Space
14-35-170	Development Plan

**14-35-100. General Provisions.**

(a) The purpose of this Chapter is to provide a special designation of subdivision for areas, parcels or tracts of land, whether to be annexed to the Town of Lusk or already within the corporate limits of the Town of Lusk, to be developed as mobile home parks, and to promote and ensure a quality living environment in a mobile home development where spaces are rented to the occupants for placement of single-family mobile homes.

(b) In a Mobile Home Park, no uses shall be allowed other than single-family mobile homes designed to serve the residents of the park, and which are compatibly and harmoniously incorporated into the design of the park, as shown on the site plan.

(c) A special permit shall be required for a mobile home sales area within the subdivision, which use shall be discontinued when the park is 90% developed. The sales area shall be integrated into the park design, and may include one advertising sign not to exceed 32 square feet. (Adoption Ordinance, 2004)

**14-35-110. Mobile Home Park Requirements.**

(a) The park shall be graded and drained to assure no pooling of water or drainage problems.

(b) There shall be public access to the Mobile Home Park boundary which is connected to the interior streets of the park to assure ingress and egress for park residents.

(c) If more than 20 units are proposed, at least two unobstructed access points to the interior street system must be provided.

(d) The minimum mobile home setback from a public right-of-way fronting the Mobile Home Park shall be not less than 20 feet.

(e) The minimum setback from property lines other than those fronting a public right-of-way shall be not less than 15 feet.

**14-35-120. Mobile Home Space Requirements.**

(a) Setback requirements:

(1) The minimum mobile home setback from a public right-of-way adjoining the lot shall be not less than 20 feet.

(2) The minimum setback from front property lines shall be not less than 20 feet.

(3) The minimum setback from side lot lines, other than those adjoining a public right-of-way, shall be not less than 15 feet.

(4) The minimum setback from rear lot lines, other than those adjoining a public right-of-way, shall be not less than 10 feet.

(b) The minimum distance between mobile homes in the park shall be not less than 25 feet

(c) The minimum area of each lot unit shall be controlled by the setback requirements, except that in no case shall the lot area be less than 3,000 square feet.

(d) If the traveling width of the street fronting the lot unit is 36 feet or more, there shall be provided one off-street parking space per unit. If the traveling width of the street fronting the lot unit is less than 36 feet, there shall be provided two off-street parking spaces per unit. (Adoption Ordinance, 2004)

**14-35-130. Roadways and Walkways.**

(a) If roadways are to be dedicated to the Town of Lusk, the developer of the subdivision shall provide a right-of-way of 60 feet in width, with pavement 40 feet in width, curbs, gutters, and sidewalks 42 inches in width.

(b) All roadways, public or private, within the Mobile Home Park shall be paved, with a minimum pavement width of 24 feet and a minimum curb, gutter, and sidewalk section width of 36 inches. (Adoption Ordinance, 2004)

**14-35-140. Minimum Paving Specifications.**

(a) Minimum paving specifications call for seal coat and chips, two inch hot mix asphalt, and 6 inch well-graded base.

(b) Minimum curb and gutter specifications call for six inch portland cement concrete construction. (Adoption Ordinance, 2004)

**14-35-150. Lighting.** Roadways and walkways shall be lighted to produce a minimum of 0.2 footcandles of light at the time of installation and at eye level throughout the street system. Lighting is the responsibility of the developer if roadways are private. (Adoption Ordinance, 2004)

**14-35-160. Open Space.**

(a) Open space for the residents of the mobile home park shall be provided in accordance with the following standards:

(1) Minimum gross acres in the development as to number of dwelling units:

(A) 1-4 units, 5.99 acres

(C) 5-6 units, 7.99 acres

(D) 7-8 units, 9.99 acres

(E) 9-10 units, 11.99 acres

(2) Minimum percentage of development to be reserved for open space as to number of dwelling units:

- (A) 1-2 units, 3%
- (B) 3-4 units, 6%
- (C) 5-6 units, 9%
- (D) 7-8 units, 10%
- (E) 9-10 units, 11.5%

(Adoption Ordinance, 2004)

**14-35-170. Development Plan.**

(a) A developer of a mobile home park shall submit plans and plats in the same manner as prescribed in Chapters 10, 15, 20, and 25 of this Title.

(b) Where possible, the mobile home unit should be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features should be preserved to an extent which is practical.

(c) Areas for storage and parking of travel trailers, boats, etc., shall be provided in the park for use by the occupants unless specifically denied by the owner. (Adoption Ordinance, 2004)

**TITLE 14**  
**SUBDIVISIONS**  
**CHAPTER 40**  
**RV PARKS**

**Sections:**

14-40-100	Definitions
14-40-110	Compliance With Title
14-40-120	Regulations of County Board of Health
14-40-130	Building Permits
14-40-140	Licenses
14-40-150	Inspections
14-40-160	Notices of Violation; Contents
14-40-170	Notices of Violation; Hearings
14-40-180	Notices of Violation; Order Concerning Notice
14-40-190	Notices of Violation; Omission of Notice and Hearing in Emergency
14-40-200	Limitation on Occupancy of Rental Spaces
14-40-210	Registration of Occupants Required
14-40-220	Maintenance of Area Generally
14-40-230	Refuse Generally
14-40-240	Fire Protection
14-40-250	Fire Protection; Portable Fire Extinguishers Required
14-40-260	Fire Protection; Area to Be Kept Free of Flammable Materials
14-40-270	Fire Protection; Open Fires
14-40-280	Site Requirements Generally
14-40-290	Soil and Ground Cover
14-40-300	Separation of Trailers
14-40-310	Density
14-40-320	Recreation Area
14-40-330	Setbacks From Public Streets
14-40-340	Requirements for Parking Areas Generally
14-40-350	Water; Connections
14-40-360	Source of Water Supply
14-40-370	Water; Supply Outlets
14-40-380	Water; Storage Facilities
14-40-390	Water; Distribution System
14-40-400	Sewerage System; Generally
14-40-410	Sewerage System; Sanitary Stations
14-40-420	Sewerage System; Sewer Lines
14-40-430	Sewerage System; Individual Connections
14-40-440	Sewerage System; Sink Wastes
14-40-450	Sewerage System; Sewage Treatment or Discharge

14-40-460	Electrical Wiring System; Generally
14-40-470	Electrical Wiring System; Power Distribution Lines
14-40-480	Electrical Wiring System; Individual Connections
14-40-490	Electrical Wiring System; Grounding
14-40-500	Service Buildings; Generally
14-40-510	Service Buildings; Sanitary Requirements
14-40-520	Service Buildings; Structural Requirements
14-40-530	Storage and Location of Liquefied Petroleum Gas
14-40-540	Fuel Oil Storage
14-40-550	Location of Fire Hydrants

**14-40-100. Definitions.** For the purposes of this Title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) “Dependent trailer.” A trailer which is dependent upon a service building for toilet and lavatory facilities.

(b) “License.” A written license issued by the Town of Lusk allowing a person to operate and maintain a travel trailer parking area under the provisions of this Title and regulations issued hereunder.

(c) “Permit.” A written building permit issued by the Town of Lusk permitting the construction, alteration and extension of a travel trailer parking area under the provisions of this Title, the Code of the Town of Lusk and regulations issued hereunder.

(d) “Sanitary station.” A facility used for removing and disposing of wastes from trailer holding tanks.

(e) “Self-contained trailer.” A trailer which can operate independently of connections to sewer, water and electric systems, containing a water-flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the trailer.

(f) “Service building.” A structure housing toilet, lavatory and such other facilities as may be required by this Title.

(g) “Service sink.” A slop sink with a flushing rim for the disposal of liquid wastes from trailers.

(h) “Sewer connection.” The connection consisting of all pipes, fittings and appurtenances from the drain outlet of the trailer to the inlet of the corresponding sewer riser pipe of the sewage system serving the travel trailer parking area.

(j) “Sewer riser pipe.” That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each trailer space.

(k) “Trailer.” Any of the following:

(1) “Travel trailer.” A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational vacation uses, permanently identified travel trailer by the manufacturer of the trailer and, when factory equipped for the road, it shall have a body width not exceeding eight feet, and a body length not exceeding 32 feet.

(2) “Pick-up coach.” A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

- (3) "Motor home." A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- (4) "Camping trailer." A canvas, folding structure, mounted on wheels and designed for travel, recreation and vacation use.
- (m) "Trailer space." A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.
- (n) "Trailer stand." That part of an individual trailer space which has been reserved for the placement of a single trailer and its accessory structures.
- (o) "Travel trailer parking area." A parcel of land in which two or more spaces are occupied or intended for occupancy by trailers for transient dwelling purposes.
- (p) "Water connection." The connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the trailer.
- (q) "Water station." A facility for supplying water storage tanks of trailers with portable water.
- (r) "Water riser pipe." That portion of the water supply system serving the travel trailer parking area which extends vertically to the ground elevation and terminates at a designated point at each trailer space. (Prior Code 24-101, 1978)

**14-40-110. Compliance With Title.** The person to whom a license is issued under this Title shall, at all times, operate the travel trailer parking area in compliance with this Title and shall provide adequate supervision to maintain the travel trailer parking area, its facilities and equipment in good repair and in a clean and sanitary condition at all times. (Prior Code 24-102, 1978)

**14-40-120. Regulations of County Board of Health.** The County Board of Health is hereby authorized to make, and, after public hearing, to adopt such written regulations as may be necessary for the proper enforcement of the provisions of this Title. Such regulations shall have the same force and effect as the provisions of this Title, and the penalty for violations of the provisions thereof shall be the same as the penalty for violation of the provisions of this Title. (Prior Code 24-103, 1978)

**14-40-130. Building Permits.**

- (a) It shall be unlawful for any person to construct, alter or extend any travel trailer parking area within the Town of Lusk unless he holds a valid building permit issued by the Building Inspector in the name of such person for the specific construction, alteration or extension proposed.
- (b) A permit to construct, alter or extend any travel trailer parking area may be issued only when such area is located in a zoning district which allows mobile homes.
- (c) All applications for permits shall be made to the Building Inspector and shall contain the following:
  - (1) Name and address of applicant.
  - (2) Interest of the applicant in the travel trailer parking area.
  - (3) Location and legal description of the travel trailer parking area.
  - (4) Complete engineering plans and specifications of the proposed parking area showing:

- (A) The area and dimensions of the tract of land;
- (B) The number, location and size of all trailer spaces;
- (C) The location and width of roadways and walkways;
- (D) The location of service buildings, sanitary stations and any other proposed structures;
- (E) The location of water and sewer lines and riser pipes;
- (F) Plans and specifications of the water supply and refuse and sewage disposal facilities;
- (G) Plans and specifications of all buildings constructed or to be constructed within the travel trailer parking area;
- (H) The location and details of lighting and electrical systems;
- (J) Landscaping plan showing locations of trees, shrubs, screening, as well as type and location of vegetative planting required by this Chapter.

(d) When, upon review of the application, the Building Inspector is satisfied that the proposed plan meets the requirements of this Title, the Lusk Municipal Code and regulations issued hereunder, and provided that approval has been received from the Town Sanitarian, Town Council or the planning commission, if one is in place, and the county and state health authorities, a permit shall be issued. (Prior Code 24-104, 1978)

#### **14-40-140. Licenses.**

(a) Required. It shall be unlawful for any entity to operate any travel trailer parking area within the Town of Lusk unless it holds a valid license issued by the Building Inspector, in the name of such a entity for the specific travel trailer parking area. All applications for licenses shall be made to the Building Inspector, who shall issue a license upon compliance by the applicant with provisions of this Title and regulations issued hereunder and of other applicable legal requirements.

(b) Applications; fees.

(1) application for original licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee of \$10.00 per trailer space or \$100.00, whichever is greater and shall contain: The name and address of the applicant; the location and legal description of the travel trailer parking area and a site plan of the travel trailer parking area approved by the Building Inspector, showing all trailer spaces, structures, roads, walkways, sanitary stations and other service facilities.

(c) Transfer. Every person holding a license shall give notice in writing to the administrative official within 24 hours after having sold, transferred, given away or otherwise disposed of interest in or control of any travel trailer parking area. Such notice shall include the name and address of the person succeeding to the ownership or control of such travel trailer parking area. Upon application in writing for transfer of the license, the license shall be transferred if the parking area is in compliance with all applicable provisions of this Title and regulations issued hereunder.

(d) Suspension or revocation. Whenever, upon inspection of any travel trailer parking area, the Building Inspector or the Town sanitarian finds that conditions or practices exist which are in violation of any provision of this Title or regulations issued hereunder, the Town Sanitarian shall give notice in writing in accordance with § 14-40-160 to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable

period of time specified in the notice by the Town Sanitarian, the license will be suspended. At the end of such period, the Town Sanitarian shall reinspect such travel trailer parking area and, if such conditions or practices have not been corrected, the administrative official shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of suspension, such person shall cease operation of such travel trailer parking area except as provided in § 14-40-170.

(e) Any person whose license has been suspended or who has received notice from the Building Inspector or Town Sanitarian that his license will be suspended unless certain conditions or practices at the travel trailer parking area are corrected, may petition and shall be granted a hearing on the matter before the Town Council, under the procedure provided by § 14-40-170(c); provided that when no petition for such hearing shall have been filed within 10 days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such 10 day period. (Prior Code 24- 105, 1978)

#### **14-40-150. Inspections.**

(a) The administrative official is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Chapter and regulations issued hereunder.

(b) The administrative official shall have the power to inspect the register containing a record of all travel trailers and occupants using the travel trailer parking area.

(c) The administrative official shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Title and regulations issued hereunder.

(d) It shall be the duty of the owners or occupants of travel trailer parking areas, and the trailers contained therein, or of the person in charge thereof, to give the administrative official free access to such premises at reasonable times for the purpose of inspection.

(e) It shall be the duty of every occupant of a travel trailer parking area to give the owner thereof or his agent or employees access to any part of such travel trailer parking area of its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Title and regulations issued hereunder, or with any lawful order issued pursuant to the provisions of this Title. (Prior Code 24-106, 1978)

**14-40-160. Notices of Violation; Contents.** Whenever the administrative official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Title or regulations issued hereunder, he shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:

- (a) Be in writing;
- (b) Include a statement of the reasons for its issuance;
- (c) Allow a reasonable time for the performance of any act if required;
- (d) Be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed to have been properly served upon such order or agent when a copy thereof has been sent by registered mail to his last known address; or when he has been served with such notice by any other method authorized or required by the laws of this state;



(e) Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this chapter and regulations issued hereunder. (Prior Code 24-107, 1978)

**14-40-170. Notices of Violation; Hearings.**

(a) Rights of persons affected by violation notice. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this Title or regulations issued hereunder may request and shall be granted a hearing on the matter before the Town Council; provided, that such person shall file a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days after the day that notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under § 14-40-190. Upon receipt of such petition, the Town Council shall set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn.

(b) Commencement. The hearing shall be commenced not later than 10 days after the day on which the petition was filed; provided, that upon application of the petitioner, the Town Council may postpone the date of the hearing for a reasonable time beyond such 10 day period when in its judgment the petitioner has submitted good and sufficient reasons for such postponement.

(c) Procedure. The proceedings at such a hearing, including the findings and decision of the Town Council together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the Town Clerk but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought.

(d) Appeals. Any person aggrieved by the decision of the Town Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the State of Wyoming. (Prior Code 24-108, 1978)

**14-40-180. Notices of Violation; Order Concerning Notice.** After such hearing, the Town Council shall make findings as to compliance with the provisions of this Title and regulations issued hereunder and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in § 14-40-160. Upon failure to comply with any order sustaining or modifying a notice, the permit or license of the travel trailer parking area affected by the order shall be revoked. (Prior Code 24-109, 1978)

**14-40-190. Notices of Violation; Omission of Notice and Hearing in Emergency.** Whenever the administrative official finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Title, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately but, upon petition to the Town Council, shall be afforded a hearing as soon as possible. The provisions of §§ 14-40-170 and 14-40-180 shall be applicable to such hearing and the order issued thereafter. (Prior Code 24-110, 1978)

**14-40-200. Limitation on Occupancy of Rental Spaces.** Trailer spaces shall be rented by the day or week only and the occupant of a trailer space shall remain in the same travel trailer parking area not more than 30 days. (Prior Code 24-111, 1978)

**14-40-210. Registration of Occupants Required.** Every owner or operator of a travel trailer parking area shall maintain a register containing a record of all trailers and occupants. Such register shall be available to any authorized person inspecting the travel trailer parking area and shall be preserved for the period of one year. Such register shall contain:

- (a) The names and permanent addresses of all trailer occupants;
- (b) The make, model and license number of the trailer and tow vehicle; and
- (c) The dates of arrival and departure of a trailer or its occupants. (Prior Code 24-112, 1978)

**14-40-220. Maintenance of Area Generally.**

(a) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the administrative official.

(b) Parking areas shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

(c) Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.

(d) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

(e) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parking areas shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description. (Prior Code 24-113, 1978)

**14-40-230. Refuse Generally.** The storage, collection and disposal of refuse in the travel trailer parking area shall comply with applicable provisions of this Code or other ordinances of the Town of Lusk. (Prior Code 24-114, 1978)

**14-40-240. Fire Protection.** Each travel trailer parking area shall be subject to Title 5, Chapter 5, of this Code. (Prior Code 24-115, 1978)

**14-40-250. Fire Protection; Portable Fire Extinguishers Required.** Portable fire extinguishers of a type approved by the Fire Chief shall be kept in service buildings and in all other locations named by such fire inspector and shall be maintained at all times in good operating condition. (Prior Code 24-116, 1978)

**14-40-260. Fire Protection; Area to Be Kept Free of Flammable Materials.** Travel trailer parking areas shall be kept free of litter, rubbish and other flammable materials. (Prior Code 24-117, 1978)

**14-40-270. Fire Protection; Open Fires.** Cooking shelters, barbecue pits, fireplaces, wood burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. (Prior Code 24-118, 1978)

**14-40-280. Site Requirements Generally.** Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards. (Prior Code 24-201, 1978)

**14-40-290. Soil and Ground Cover.** Exposed ground surfaces in all parts of a travel trailer parking area shall be paved or covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. (Prior Code 24-202, 1978)

**14-40-300. Separation of Trailers.** Trailers shall be separated from each other and from other structures by at least 10 feet. Any accessory structure such as attached awnings, carports or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the trailer. (Prior Code 24-203, 1978)

**14-40-310. Density.** The density shall not exceed 25 trailer spaces per acre of gross site area; except, that the Planning Commission may, under special circumstances, permit a higher density; provided, that all other environmental, open space and access requirements of this Title and regulations issued hereunder are adhered to. Any person desiring a higher density shall make application for such exemption to the planning commission, specifying the reasons therefor. If a higher density is permitted, the administrative official shall issue a special license specifying the location of the parking area, the expiration date of the license and the conditions of issuance. (Prior Code 24-204, 1978)

**14-40-320. Recreation Area.** In all travel trailer parking areas there shall be at least one recreation area which shall be easily accessible from all trailer spaces. The size of such recreation area shall be not less than 8% of the gross site area or 2,500 square feet, whichever is greater. (Prior Code 24-205, 1978)

**14-40-330. Setbacks From Public Streets.** All trailers shall be located at least 25 feet from any parking area boundary line abutting upon a public street or highway. (Prior Code 24-206, 1978)

**14-40-340. Requirements for Parking Areas Generally.**

(a) General requirements. All parking areas shall be provided with safe and convenient vehicular access from abutting public streets or roads to each trailer space.

Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, hard and dense surface which shall be well drained.

(b) Access. Access to travel trailer parking areas shall be designed to minimize congestion and hazards at their entrance or exit and allow free movement of traffic on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.

(c) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements:

(1) One-way, no parking, 11 feet (acceptable only if less than 500 feet total length and serving less than 25 trailer spaces).

(2) One-way with parking on one side only, or two-way with no parking, 18 feet (acceptable only if serving less than 50 trailer spaces).

(3) Two-way with no parking, 24 feet.

(4) Two-way with parking on one side only, 27 feet.

(5) Two-way with parking on both sides, 34 feet.

(d) Off-street parking and maneuvering space. Sufficient parking and maneuvering space so that the parking, loading or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk or right-of-way or any private grounds not part of the travel trailer parking area. (Prior Code 24-207, 1978)

#### **14-40-350. Water; Connections.**

(a) An accessible, adequate, safe and potable supply of water shall be provided in each travel trailer parking area. The water in each travel trailer parking area shall be connected to the Town water system except:

(1) When in the opinion of the Town Council, the Town water system is not within proximity of the boundaries of the travel trailer parking area, so as to permit an economically feasible connection, the Town Council may, upon application, waive the connection requirement.

(2) In the event of a waiver by the Town Council under subsection(a)(1), the water supply in the travel trailer parking area shall conform with the minimum standards established by State laws, the provisions of this Title and regulations issued hereunder.

(3) When, in the sole discretion of the Town Council, it becomes necessary in the interest of the health, safety and welfare of the citizens of the Town of Lusk, the Town Council may require property owners within the travel trailer parking area, within a time to be set by the Town Council, to connect to the Town water system, as otherwise required by ordinance, which connection shall be made under the supervision and direction of the administrative official.

(4) The property owners of the travel trailer parking area shall proportionately share on the basis of total square feet owned, in the expense of the connection, and in the event one or more property owners in the travel trailer parking area should fail to cause such connection to be made or otherwise fail to pay a proportionate part of the expense thereof, the Town Engineer may, upon authorization of the Town Council, and upon 10 days written notice to the property owner at his last known address, proceed to cause the connection to be made, and the Town of Lusk shall have a lien against the property of the noncontributing owner for his pro rata share of all costs relating to the connection, with interest at the rate of 8% per annum, from the date of completion.

(b) If facilities for individual water service connections are provided, the following requirements shall apply:

(1) Riser pipes provided for individual water service connections shall be so located and constructed that they will not be damaged by the parking of travel trailers.

(2) Water riser pipes shall extend at least four inches above ground elevation. The pipe size shall be three-quarter inch.

(3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes.

(4) Underground stop and waste valves shall not be installed on any water service.

(5) Valves shall be provided near the outlet of each water service connection. They shall be turned off and the outlets capped or plugged when not in use.

(Prior Code 24-208, 1978)

**14-40-360. Water; Source of Supply.**

(a) The water supply shall be capable of supplying 50 gallons per space per day for all spaces lacking individual water connections and 100 gallons per space per day for all spaces provided with individual water connections.

(b) Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. The following minimum distances between wells and various sources of contamination shall be required:

<u>Contamination Sources</u>	<u>Well or Suction Line (Distance in Feet)</u>
Building sewer .....	50
Septic tank.....	50
Disposal field .....	100
Seepage pit.....	100
Dry well .....	50
Cesspool.....	150

(c) No well casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, has free drainage by gravity to the surface of the ground.

(d) The treatment of a private water supply shall be in accordance with applicable laws and regulations. (Prior Code 24-209, 1978)

**14-40-370. Water; Supply Outlets.** Each travel trailer parking area shall be provided with one or more easily accessible water supply outlets for filling trailer water storage tanks. Such water supply outlets shall consist of at least a water hydrant and the necessary appurtenances and shall be protected against the hazards of backflow and back siphonage. (Prior Code 24-210, 1978)

**14-40-380. Water; Storage Facilities.** All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to

prevent the entrance of contaminated materials. Reservoir overflow pipes shall discharge through an acceptable air gap. (Prior Code 24-211, 1978)

**14-40-390. Water; Distribution System.**

(a) The water supply system of the travel trailer parking area shall be connected by pipes to all buildings and other facilities requiring water.

(b) All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and Town regulations and requirements and shall be of a type and in locations approved by the administrative official.

(c) The water piping system shall not be connected with nonportable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.

(d) The system shall be so designed and maintained as to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions, at service buildings and other locations requiring potable water supply. (Prior Code 24-212, 1978)

**14-40-400. Sewerage System; Generally.** An adequate and safe sewerage system shall be provided in all travel trailer parking areas for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with State laws and applicable provisions of this Code and other ordinances of the Town of Lusk. (Prior Code 24-213, 1978)

**14-40-410. Sewerage System; Sanitary Stations.**

(a) A sanitary station shall be provided consisting of at least: A trapped four-inch sewer riser pipe, connected to the travel trailer parking area sewerage system, surrounded at the inlet end by a concrete apron sloped to the drain, and provided with a suitable hinged cover and a water outlet, with the necessary appurtenances, connected to the parking area water supply system to permit periodic wash down of the immediate adjacent areas.

(b) Each travel trailer parking area shall be provided with a sanitary station in the ratio of one for every 100 trailer spaces of fractional part thereof.

(c) The water piping system shall not be connected with nonportable or questionable water supplies and shall be protected against the hazards of backflow or back siphonage.

(d) The system shall be so designed and maintained as to provide a pressure of not less than 20 lbs. per sq. inch, under normal operating conditions, at service buildings and other locations requiring potable water supply. (Prior Code 24-214, 1978)

**14-40-420. Sewerage System; Sewer Lines.** All sewer lines shall be constructed as per applicable sections of Chapter 15, Title 11, of this Code and shall be separated from the water supply system a minimum of 10 feet. Sewers shall be at a grade which will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials approved by the administrative official and shall be adequately vented and shall have watertight joints. (Prior Code 24-215, 1978)

**14-40-430. Sewerage System; Individual Connections.** If facilities for individual sewer connections are provided, the following requirements shall apply:

(a) The sewer riser pipe shall have at least a four-inch diameter, shall be trapped below the ground surface and shall be so located on the trailer space that the sewer connection to the trailer drain outlet will approximate a vertical position.

(b) The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any portion thereof shall be at least one-fourth inch per ft. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight.

(c) All materials used for sewer connections shall be corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

(d) Provision shall be made for plugging the sewer riser pipe when a trailer does not occupy the space. Surface drainage shall be diverted away from the riser. (Prior Code 24-216, 1978)

**14-40-440. Sewerage System; Sink Wastes.** No liquid wastes from sinks shall be charged onto or allowed to accumulate on the ground surface. Provision shall be made for disposal of kitchen or sink waste water at each unit space in a manner approved by the administrative official. The waste water connection of the unit space shall not exceed one and one-fourth inches in diameter. (Prior Code 24-217, 1978)

**14-40-450. Sewerage System; Sewage Treatment Or Discharge.** The sanitary sewer system of the travel trailer parking area shall be connected to the Town sewer system; provided, that upon application, the Town Council may waive this requirement under the terms and conditions and circumstances and in the manner provided for in case of a water connection under § 14-40-350. Where the sewer lines of the travel trailer parking area are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the administrative official prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the State except with prior approval of the administrative official. (Prior Code 24-218, 1978)

**14-40-460. Electrical Wiring System; Generally.** If an electrical wiring system is provided, it shall consist of approved fixtures, equipment and appurtenances, which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. (Prior Code 24-219, 1978)

**14-40-470. Electrical Wiring System; Power Distribution Lines.**

(a) Main power lines not coated underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of three ft. between overhead wiring and any trailer, service building or other structure.

(b) All direct burial conductors or cables shall be buried at least 18 inches below the ground surface and shall be insulated and specially approved for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines. (Prior Code 24-220, 1978)

**14-40-480. Electrical Wiring System; Individual Connections.**

(a) If individual trailer spaces are connected to the electrical wiring system, an approved type of disconnecting device and over current protective equipment shall be provided. The service per outlet shall be 120 volts AC, 15 amps or 30 amps.

(b) Outlet receptacles at individual trailer spaces shall be located not more than 25 feet from the over current protective devices in the trailer and a three-wire grounding type shall be used. Receptacles shall be of weatherproof construction and configurations shall be in accordance with American Standard outlet Receptacle C-73.1.

(c) The trailer shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug. (Prior Code 24-221, 1978)

**14-40-490. Electrical Wiring System; Grounding.** All exposed noncurrent carrying metal parts of trailers and all other equipment shall be grounded by means of a grounding conductor run with branch circuit conductors or other method of approved grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for trailers or other equipment. (Prior Code 24-222, 1978)

**14-40-500. Service Buildings; Generally.** The requirements of §14-40-530 and 14-40-540 shall apply to service buildings, recreation buildings and other service facilities such as:

- (a) Management offices, repair shops and storage areas;
- (b) Sanitary facilities;
- (c) Laundry facilities;
- (d) Indoor recreation areas;
- (e) Commercial uses supplying essential goods or services for the exclusive use of trailer occupants. (Prior Code 24-223, 1978)

**14-40-510. Service Buildings; Sanitary Requirements.**

(a) A central service building containing the necessary toilet and other plumbing fixtures specified shall be provided in travel trailer parking areas which provide parking spaces for dependent trailers. Service buildings shall be conveniently located within a radius of approximately 300 feet to the spaces to be served.

(b) For parking areas having more than 100 travel trailer spaces there shall be provided: one additional toilet and lavatory for each sex per each additional 30 travel trailer spaces; one additional shower for each sex per each additional 40 travel trailer spaces; and one additional men's urinal per each additional 100 travel trailer spaces.

(c) Where a travel trailer parking area is designed for and exclusively limited to use by self-contained trailers, only the following minimum emergency sanitary facilities shall be required; for each 100 trailer spaces or fractional part thereof, there shall be one flush toilet and one lavatory for each sex.

(d) When a travel trailer parking area requiring a service building is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in excess of those required by the schedule for trailer spaces and shall be based on the total number of persons using such facilities.

(e) Any person desiring to furnish temporary facilities for accommodating a travel trailer rally or other group of trailers assembled for the purpose of traveling together, shall make application for such activity to the administrative official. The requirements for a service



building and other sanitary and physical facilities may be waived by the administrative official on the determination that public health will not be endangered; but the location of the site, the facilities which are provided and the method of conducting such rally shall be acceptable to the administrative official before a special license shall be issued specifying the location of the site and any condition of issuance. (Prior Code 24-224, 1978)

**14-40-520. Service Buildings; Structural Requirements.**

(a) All portions of the structure shall be properly protected from damage by ordinary use and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

(b) All rooms containing sanitary or laundry facilities shall:

(1) Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bath tubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture resistant material.

(2) Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 10% of floor area served by them.

(3) Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.

(c) Toilets shall be located in separate compartments, equipped with self closing doors. The shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

# of Parking spaces <sup>1</sup>	Toilets		Urinals	Lavatories		Showers		Other Fixtures <sup>2</sup>
	Men	Women	Men	Men	Women	Men	Women	
1-15	1	1	1	1	1	1	1	1 Service sink with a flushing rim <sup>3</sup>
16-30	1	2	1	2	2	1	1	
31-45	2	2	1	3	3	1	1	
46-60	2	3	2	3	3	2	2	
61-80	3	4	2	4	4	2	2	
81-100	3	4	2	4	4	3	3	

<sup>1</sup> Parking spaces for dependent trailers

<sup>2</sup>Additional fixtures including laundry trays, clothes washing machines (one for every 30 sites) and an ice making machine may be provided.

<sup>3</sup>A service sink with a flushing rim shall be provided for disposal of liquid wastes unless a sanitary station is conveniently accessible for this purpose.

For parking areas having more than 100 travel trailer spaces there shall be provided; one additional toilet and lavatory for each sex per each additional 30 travel trailer spaces; one additional shower for each sex per each additional 40 travel trailer spaces; and one additional men's urinal per each additional 100 travel trailer spaces.

(d) Illumination levels shall be maintained as follows:

- (1) general seeing tasks; five foot candles;
- (2) Laundry room work; 40 foot candles;
- (3) Toilet room, in front of mirrors; 40 foot candles.

(e) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal. (Prior Code 24-225, 1978)

#### **14-40-530. Storage and Location of Liquefied Petroleum Gas.**

(a) Liquefied petroleum gas containers installed on a trailer space shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be more than 60 U.S. gallons gross capacity.

(b) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, trailer or any other structure, unless such installations are approved by the fire department. (Prior Code 24-226, 1978)

#### **14-40-540. Fuel Oil Storage.**

(a) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any trailer or less than five feet from any trailer exit.

(b) Storage tanks located in areas subject to traffic shall be protected against physical damage. (Prior Code 24-227, 1978)

**14-40-550. Location of Fire Hydrants.** Standard fire hydrants shall be located within 400 feet of each travel trailer; provided, that if the Town Council should waive the water connection, then this paragraph shall not apply until a connection to the Town water system shall have been made; and provided, that the travel trailer parking area shall be subjected to such further regulations prior to connection to the Town water system as may be required by the fire chief as in his sole discretion would ensure maximum safety against fire hazards. (Prior Code 24-228, 1978)

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## TITLE 14

### SUBDIVISIONS

#### CHAPTER 45

#### ADMINISTRATIVE PROVISIONS

##### Sections:

14-45-100	Violations and Penalties
14-45-110	Interpretation
14-45-120	Variances
14-45-130	Amendment

**14-45-100. Violations and Penalties.** Whoever, being the owner or agent of the owner, of any land located within a subdivision, transfers or agrees to sell or negotiates to sell any land by references to or exhibition of or by use of a plan or plat of a subdivision, before such plan or plat has been approved by the Planning and Zoning Board and Town Council and recorded or filed in the office of the Niobrara County Clerk and Recorder, shall forfeit and pay a penalty of not more than \$750.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this Title. The Town of Lusk may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by civil action in any court of competent jurisdiction. (Prior Code 21-601, 1978)

**14-45-110. Interpretation.** In the interpretation and application of the provision of this Ordinance, the following regulations shall govern;

(a) Provisions are Minimum Requirements: In their interpretation and application, the provisions of this Title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This Title shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes.

(b) Application of Overlapping Regulations: Whenever both a provision of this Title and any other provisions of any other law, ordinance, resolution, rule, or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(c) Existing Permits and Private Agreements: This Title is not intended to abrogate or annul:

- (1) Any permits issued before the effective date of this Title; or
- (2) Any easement or covenant. (Prior Code 21-602, 1978)

**14-45-120. Variances.** The Planning and Zoning Board and the Town Council may authorize variances from the provisions of this Title in cases where, due to exceptional

topographical conditions or other conditions peculiar to the site, an unnecessary hardship would be placed on the subdivider. A variance shall not be granted if it would be detrimental to the public good or impair the intent or purposes of this Title. The conditions of any authorized variance shall be stated in writing in the minutes of the Planning and Zoning Board and/or the Town Council with the justifications set forth. (Prior Code 21-501, 1978)

**14-45-130. Amendment.** Amendments to this Title shall be in accordance with the laws of the State of Wyoming and all other applicable Town Ordinances and shall require the following action:

(a) Study and recommendation concerning the proposed amendment by the Planning and Zoning Board.

(b) Completion of a public hearing before the Town Council after at least 15 days notice of the time and place of such hearing shall have been given by at least one publication in a newspaper of general circulation within the Town of Lusk. (Prior Code 21-603, 1978)

## **TITLE 15**

### **ZONING**

#### **Chapters:**

- 15-5 Definitions and Application
- 15-10 Zoning Districts
- 15-15 R-E District
- 15-20 R-L District
- 15-25 R-G District
- 15-30 R-M District
- 15-35 B-L District
- 15-40 B-G District
- 15-45 I-L District
- 15-50 I-G District
- 15-55 Accessory Building and Uses
- 15-60 Supplementary Regulations
- 15-65 Non-Conforming Uses
- 15-70 Variances
- 15-75 Amendments
- 15-80 Enforcement
- 15-85 Flood Damage Prevention
- 15-90 Planning and Zoning Board

## **CHAPTER 5**

### **DEFINITIONS AND APPLICATION**

#### **Sections:**

- 15-5-100 Rules of Construction of Language
- 15-5-110 Definitions
- 15-5-120 Application of Regulations
- 15-5-130 Provisions Are Minimum Requirements 15-5-140 Application of Overlapping Regulations 15-5-150 Existing Permits and Private Agreements

#### **15-5-100. Rules of Construction of Language.**

- (a) The particular controls the general.
- (b) In case of any difference of meaning or implication between the text of this Chapter and the captions for each section, the text shall control.

(c) The word "shall" is always mandatory and not directory. The word "may" is permissive.

(d) Words used in the present tense include the future, unless the context clearly indicates the contrary.

(e) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.

(f) A "building" or "structure" includes any part thereof. A "building or other structure" includes all other structures of every kind, regardless of similarity to buildings.

(g) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

(Prior Code 26-101, 1978)

### **15-5-110. Definitions.**

(a) The following definitions shall apply to this Title:

(1) "Area of lot." The total horizontal area within the lot lines of a lot.

(2) "Boarding and rooming house." A building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" shall include compensation in money, services or other things of value.

(3) "Building." Any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind, which:

(1) is permanently affixed to the land;

(2) has one or more floors and a roof; and

(3) is bounded by either open space or the lot lines of a lot.

(4) "Building height." The vertical distance from the average of the finished ground level at the center of all outside walls of a building to the highest point of the outside walls, but not including the roof.

(5) "Bulk" is the term used to decide the size and mutual relationships of buildings and other structures, and therefor includes:

(1) the size of buildings and other structure

(2) the shape of buildings and other structures;

(3) the location of exterior walls of buildings and other structures in relation to lot lines, to the centerline of streets, to other walls of the same building, and to other buildings or structures; and

(4) all open spaces relating to a building or a structure.

(6) "Dwelling." A building or portion thereof used exclusively for residential occupancy, including one family dwellings, two family dwellings and multiple family dwellings, but not including hotels, motels, tents, mobile homes or other structures designed or used primarily for temporary occupancy.

(7) "Dwelling, multiple family." A building occupied by three or more families living independently of each other, and containing at least 300 square feet of floor area in each dwelling unit.

(8) "Dwelling, one family." A detached building, arranged, designed and intended to be occupied by not more than one family, and which has not more than one

kitchen and not less than one bathroom and contains at least 600 square feet of floor area.

(9) "Dwelling, two family." A building occupied by two families living independently of each other and containing at least 1,000 square feet of floor area.

(10) "Dwelling unit." One or more rooms, including a bathroom, and a single kitchen, designed for or occupied as a unit by one family, for living and cooking purposes, located in a one family, two family or multiple family dwelling.

(11) "Employees." Shall mean the greatest number of persons to be employed in the building in question during any season of the year, and any time of day or night.

(12) "Family." An individual or two or more persons related by blood or marriage, or an unrelated group of not more than three persons living together in a dwelling unit.

(13) "Floor area." The gross floor area of the building measured along the outside walls of the building and including each floor level, but not including attics, basements, garages or other enclosed automobile parking areas.

(14) "Hotel and motel." A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six or more guest rooms, and in which no provision is made for cooking in any individual room or suite. A motel or hotel room or suite which includes cooking facilities shall be considered a dwelling unit.

(15) "Junk yard." An industrial use (not permitted in residential and business districts) contained within a building, structure or parcel of land, or portion thereof, used for the collecting, storage or sale of waste paper, rags, scrap metal or discarded material; or, for the collecting, dismantling, storage, salvaging, or demolition of vehicles, machinery or other materials and including the sale of whole or parts thereof.

(16) "Lot." A parcel of land fronting on a street and occupied or designed to be occupied by one or more buildings, structures or uses, together with such open areas as are required by this Title.

(17) "Lot line, front." The property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line, which shall be determined by the proposed placement of the front entry of the building. The front line shall be the street line most facing the front entry.

(18) "Lot line, rear." The line opposite the front lot line.

(19) "Lot line, side." Any lot lines other than front lot lines or rear lot lines.

(20) "Lot line, reverse corner." A corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

(21) "Major addition." The extension of an existing building where the cost of the addition, not including repairs and reconstruction of the existing building, is in excess of the assessed valuation of the existing building as assessed by the Niobrara County Assessor during the year preceding the year in which such major addition takes place.

(22) "Mobile home." A structure consisting of a unit or units mounted on a metal frame with axles and wheels which may or may not remain attached. The removal of the frame, wheels or tongue does not make the unit a house since it still may be moved by reattaching the portions previously removed. A mobile home is built on a metal frame to which axles and wheels may be readily attached whereas a modular



is built on a wooden frame with no way to readily attach axles and wheels directly to the frame.

(23) "Modular unit." Any structure that can be classified as or similar in concept to precut, prefab, modular or any off-site, constructed units. Any building of the above description, shall have the plans and specifications presented to the Building Inspector and/or his assistant for review, before a building permit may be issued. Any building of the above descriptions shall meet the construction, electrical and plumbing requirements of the adopted building code(s) and the ordinances of the Town of Lusk. Those units that do not meet the above mentioned building code(s) shall be considered mobile homes and shall be restricted to those designated districts that allow mobile homes.

(24) "Off-street parking." An area of at least 300 square feet of appropriate dimensions for the parking of an automobile including access drives and aisles thereto.

(25) "Professional office." An office for professions such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others, who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists.

(26) "Signs." Any device designed to inform or attract the attention of persons not on the premises on which the sign is located but not including any flag, badge or insignia of any government or governmental agency.

(27) "Street." A public thoroughfare which affords the principal means of access to abutting property.

(28) "Width of lot." the distance parallel to the front lot line, measured between side lot line through that part of the building or structure where the lot is narrowest.

(29) "Yard." That portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the District in which the lot is located.

(30) "Yard, front." A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

(31) "Yard, rear." A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

(32) "Yard, side." A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

(Ord. 26-102, 1980; prior Code 26-102, 1978)

**15-5-120. Application of Regulations.** Except as hereinafter provided, no building, structure or land shall be used and no building or structure or part thereof shall be erected, constructed, reconstructed, repaired, moved or structurally altered except in conformance with the regulations herein specified for the district in which it is located; nor shall a yard, lot or open space be reduced in dimensions or area to an amount less than the minimum requirements set forth herein. (Prior Code 26-201, 1978)

**15-5-130. Provisions Are Minimum Requirements.** In their interpretation and application, the provisions of this Title shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare.

This Title shall therefore be regarded as remedial, and shall be liberally construed to further its underlying purposes. (Prior Code 26-1201, 1978)

**15-5-140. Application of Overlapping Regulations.** Whenever both a provision of this Title and any other provisions of any other law, ordinance, resolution, rule or regulation of any kind contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. All uses and all locations and bulk permitted under the terms of this Title shall be in conformity with all other provisions of law. (Prior Code 26-1202, 1978)

**15-5-150. Existing Permits and Private Agreements.** This Title is not intended to abrogate or annul.

- (a) Any permits issued before the effective date of this Title; or
- (b) Any easement, covenant or any other private agreement. (Prior Code 26-1203, 1978)

## TITLE 15

### ZONING

#### CHAPTER 10

#### ZONING DISTRICTS

##### **Sections:**

15-10-100	Establishment of Districts
15-10-110	Boundaries
15-10-120	Wooden Buildings Prohibited
15-10-130	Uses Not Itemized
15-10-140	District Rankings

**15-10-100. Establishment of Districts.** In order to carry out the provisions of this Title, the Town of Lusk, Wyoming, is hereby and in the future may be divided into the following zoning districts:

- (a) R-E Estate Residential District
- (b) R-L Limited Residential District
- (c) R-G General Residential District
- (d) R-M Mobile Home Residential District
- (e) B-L Limited Business District
- (f) B-G General Business District
- (g) I-L Limited Industrial District
- (h) I-G General Industrial District (Prior Code 26-301, 1978)

##### **15-10-110. Boundaries.**

(a) The boundaries of these zoning districts as established by the governing body of the Town of Lusk shall be shown on the official Town Map of the Town of Lusk, properly color-coded to identify each district, which map hereby is, by this reference, made a part of this Title. The original of said map shall be filed and maintained at the office of the Lusk Town Clerk and shall be available for inspection at all times. Copies of said map shall be likewise designated and filed in each Lusk Municipal Code book, under Title 15, Chapter 10.

(b) Unless otherwise defined on the Map, district boundary lines are lot lines; the centerline of street, alleys, railroad right-of-ways or such lines extended; section lines; municipal corporate lines; center lines of stream beds; or other lines drawn to scale on the Town Map.

(c) Where a lot is divided at the time of enactment of this Title, or by subsequent amendments, by a zoning district boundary line, the less restrictive zoning requirements may be extended not more than 25 feet into the more restrictive zoning district adjacent to the zoning district boundary line.

(26-302, 1979; prior Code 26-302, 1978)

**15-10-120. Wooden Buildings Prohibited.** No wooden buildings or wooden additions to present buildings shall be erected or moved within the following limits: Blocks 1, 2, 3, 4, 5, 6, West half of Block 7, Lots 13, 14, and the West half of Block 13, Blocks 14, 15, 16, and 46. All outer walls of buildings in said area shall be of non-combustible material, provided, however, that the Town Council of the Town of Lusk may, upon written application and for good cause shown, waive the requirements of this section. (Prior Code 26-303, 1978)

**15-10-130. Uses Not Itemized.**

(a) Upon application or on its own initiative, the Town Council upon favorable recommendation of the Planning and Zoning Board may, by resolution, add to the uses listed for a zoning district any other similar use which conforms to the conditions set forth in the following special findings:

- (1) Such use is not listed in any other use group;
- (2) Such use is more appropriate in the use group or groups to which it is added than in other use groups;
- (3) Such use conforms to the basic characteristics of the use group to which it is added; and
- (5) Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses listed in the use group to which it is added.

(b) When any use has been added to any use group in accordance with this section, such use shall be deemed to be permanently listed in the use group of the appropriate section and shall be added thereto in the published text of this Title at the first convenient opportunity. (Prior Code 26-501, 1978)

**15-10-140. District Rankings.** The zoning districts are listed in this Title in the order of the most restrictive first to the least restrictive last. Uses permitted in a higher-ranked district are also permitted in those districts ranked below it. Uses permitted in lower-ranked districts are not, however, allowed in higher-ranked districts unless the higher ranked district specifically permits such use. (Adoption Ordinance, 2004)

**TITLE 15**  
**ZONING**  
**CHAPTER 15**  
**R-E DISTRICT**

**Sections:**

15-15-100	R-E, Estate Residential District
15-15-110	Uses Permitted
15-15-120	Minimum Area of Lot
15-15-130	Minimum Width of Lot
15-15-140	Minimum Front Yard
15-15-150	Minimum Rear Yard
15-15-160	Minimum Side Yard
15-15-170	Minimum Off-Street Parking

**15-15-100. R-E, Estate Residential District.** The R-E, Estate Residential District, is for low density residential uses, usually located in outlying areas. (Prior Code 26-401, 1978)

**15-15-110. Uses permitted:**

- (a) One family dwellings;
  - (b) Public and private schools for elementary and high school education;
  - (c) Parks, playgrounds, and golf courses;
  - (d) Churches;
  - (e) Essential public utility and public service, installations and facilities for the protection and welfare of the surrounding area, provided business offices, repair and storage facilities are not included; and
  - (f) Accessory buildings and uses, except beauty parlors.
- (Prior Code 26-401, 1978)

**15-15-120. Minimum Area of Lot.** The minimum area of a lot is four times the total floor area of the building but not less than 12,000 square feet. (Prior Code 26-401, 1978)

**15-15-130. Minimum Width of Lot.** The minimum lot width is 100 feet. (Prior Code 26-401, 1978)

**15-15-140. Minimum Front Yard.** The minimum distance of any building from the front lot line is 15 feet. (Prior Code 26-401, 1978)

**15-15-150. Minimum Rear Yard.** The minimum distance of any principal building from the rear lot line is 15 feet. All other buildings must be at least five feet from the rear lot line. (Prior Code 26-401, 1978)

**15-15-160. Minimum Side Yard.** The minimum distance of any building from each side lot line is one foot for each 12 feet or fraction thereof of building height, not including the height of the roof; provided, however, no side yard shall be less than 10 feet for any residential use, nor less than 50 feet for any school or church. Eaves on any building should not extend out more than two feet; but if eaves are wider than two feet, the side yard setback must be increased for any distance the eaves extend past two feet. (Prior Code 26-401, 1978)

**15-15-170. Minimum off-street parking.** Minimum off-street parking for each dwelling is one space; for each school, one space for every four pupils; and for each church, one space for every four seats in the auditorium. (Prior Code 26-401, 1978)

**TITLE 15**  
**ZONING**  
**CHAPTER 20**  
**R-L DISTRICT**

**Sections:**

15-20-100	R-L, Limited Residential District
15-20-110	Uses Permitted
15-20-120	Minimum Area of Lot
15-20-130	Minimum Width of Lot
15-20-140	Minimum Front Yard
15-20-150	Minimum Rear Yard
15-20-160	Minimum Side Yard
15-20-170	Minimum Off-street Parking
15-20-180	Minimum Square Footage of Dwelling
15-20-190	Accessory Buildings to Complement Area
15-20-200	Roof Covering Materials

**15-20-100. R-L Limited Residential District.** The R-L, Limited Residential District, is for low density residential areas, located throughout the Town. (Prior Code 26-402, 1978)

**15-20-110. Uses permitted.**

- (a) One family dwellings;
  - (b) Public and private schools for elementary and high school education;
  - (c) Parks, playgrounds and golf courses;
  - (d) Churches;
  - (e) Hospitals and health-related clinics;
  - (f) Essential public utility and public service installations and facilities for the protection and welfare of the surrounding area; provided business office, repair and storage facilities are not included; and
  - (g) Accessory buildings and uses, except beauty parlors.
- (Ord. 15-20-110, 2006; Prior Code 26-402, 1978)

**15-20-120. Minimum Area of Lot.** The minimum area of a lot is three times the total floor area of the building; but not less than 7,500 square feet. (Prior Code 26-402, 1978)

**15-20-130. Minimum width of Lot.** The minimum width of a lot is 65 feet. (Prior Code 26-402, 1978)

**15-20-140. Minimum Front Yard.** The minimum distance of any building from the front lot line is 15 feet. (Prior Code 26-402, 1978)

**15-20-150. Minimum Rear Yard.** The minimum distance of any principal building from the rear lot line is 15 feet. All other buildings must be at least five feet from the rear lot line. (Prior Code 26-402, 1978)

**15-20-160. Minimum Side Yard.** The minimum distance of any building from each side lot line is one foot for each three feet, or fraction thereof, of the building height, which does not include the height of the roof; provided, however, no side yard shall be less than 5 feet for any residential use, nor less than 25 feet for any school or church. Eaves on any building should not extend out more than two feet; but if eaves are wider than two feet, the side yard setback must be increased for any distance the eaves extend past two feet. (Prior Code 26-402, 1978)

**15-20-170. Minimum Off-Street Parking.** Minimum off-street parking for each dwelling, one space; for each school, one space for every four pupils; and for each church, one space for every four seats in the auditorium. (Prior Code 26-402, 1978)

**15-20-180. Minimum Square Footage of Dwelling.**

(a) In order to maintain the economic well being and preserve property values in the Limited Residential District, a minimum square footage of living space of all dwellings is required.

(b) The minimum square footage of living space of any dwelling erected after passage of this ordinance shall be 1,400 square feet.

(c) Calculation of living space shall be based on exterior dimensions of the structure but shall not include basements or garages.

(d) Basements, for purposes of the ordinance, shall be defined as all areas four feet or more below ground level. (Ord. 15-20-180, 2006)

**15-20-190. Accessory Buildings to Complement Area.**

(a) In order to maintain, preserve and protect the economic well being and property values in the Limited Residential District, accessory buildings, including sheds, garages and storage buildings, shall be sided so as to complement the principal dwelling on the premise property.

(b) Siding on accessory buildings shall be of one of the following materials:

- (1) Lap or clap siding made of wood, metal, vinyl or hardboard.
- (2) Vertical patterned panels made of wood, metal, vinyl or hardboard.
- (3) Shingles made of wood, metal, vinyl or hardboard.
- (4) Brick.
- (5) Board and batten made of wood, metal, vinyl or hardboard.
- (6) Log and log siding.
- (7) Stone.
- (8) Stucco.

(c) Plans submitted to the building inspector for a building permit shall include a description of the siding of all accessory buildings and a sample if required by the building inspector. (Ord. 15-20-190, 2006)



**15-20-200. Roof Covering Materials.**

(a) In order to preserve and protect the economic well being and property values in the Limited Residential District, roof coverings shall be of only certain materials.

(b) All homes and buildings in the Limited Residential District shall be roofed in one of the following materials:

- (1) Asphalt-glass fiber shingles
- (2) Metal shingles
- (3) Wood shingles
- (4) Cement shingles
- (5) Rubber shingles
- (6) Clay and slate shingles
- (7) Or any other materials that conform to shingles or tiles

(c) For purposes of this Ordinance, the term shingle shall be defined as:

A thin piece of building material laid in overlapping horizontal rows starting at the leading edge of a roof to the ridge line and having a single throat or cut-out.

(d) Plans submitted to the Building Inspector for a building permit shall include a description of the roof covering materials and a sample if required by the Building Inspector.  
(Ord. 15-20-200, 2006)

**TITLE 15**  
**ZONING**  
**CHAPTER 25**  
**R-G DISTRICT**

**Sections:**

15-25-100	R-G, General Residential District
15-25-110	Uses Permitted
15-25-120	Minimum Area of Lot
15-25-130	Minimum Width of Lot
15-25-140	Minimum Front Yard
15-25-150	Minimum Rear Yard
15-25-160	Minimum Side Yard

**15-25-100. R-G, General Residential District.** The R-G, General Residential District, is for areas containing both low density and high-density residential uses. (Prior Code 26-403, 1978)

**15-25-110. Uses permitted.**

- (a) One family dwellings;
  - (b) Two family dwellings;
  - (c) Multiple family dwellings;
  - (d) Public and private schools;
  - (e) Colleges and universities;
  - (f) Boarding and rooming houses;
  - (g) Fraternity and sorority houses;
  - (h) Hospitals;
  - (j) Nursing homes and sanitariums;
  - (k) Medical and dental clinics;
  - (l) Business offices;
  - (m) Parks, playgrounds and golf courses;
  - (n) Churches;
  - (o) Swimming pools and non-profit, quasi-public recreational uses as a principal use;
  - (p) Essential public utility and public service installations and facilities for the protection and welfare of the surrounding area; provided repair and storage facilities are not included; and
  - (q) Accessory buildings and uses.
- (Prior Code 26-403, 1978)

**15-25-120. Minimum area of lot.** The minimum area of a lot is two times the total floor area of the per each principal dwelling but not less than the following:

- (a) 6,000 square feet for a one family or two family dwelling,
  - (b) 9,000 square feet for a multiple family dwelling, and
  - (c) 12,000 square feet for uses set forth in § 15-25-110(d) through (p).
- (Prior Code 26-403, 1978)

**15-25-130. Minimum Width of Lot.** The minimum width of a lot is 50 feet for a one family or two family dwelling, 75 feet for a multiple family dwelling, and 100 feet for uses set forth in § 15-25-110(d) through (o). (Prior Code 26-403, 1978)

**15-25-140. Minimum Front Yard.** The minimum distance of any building from the front lot line is 15 feet. (Prior Code 26-403, 1978)

**15-25-150. Minimum Rear Yard.** The minimum distance of any principal building from the rear lot line is 15 feet. All other buildings must be at least five feet from the rear lot line. (Prior Code 26-403, 1978)

**15-25-160. Minimum Side Yard.** The minimum distance of any building from each side lot line is one foot for each three feet or fraction thereof of building height, which does not include the height of the roof; provided, however, no side yard shall be less than 5 feet for any residential use, and not less than 15 feet for uses set forth in § 15-25-110 (d) through (p). Eaves on any building should not extend out more than two feet; but if eaves are wider than two feet, the side yard setback must be increased for any distance the eaves extend past two feet. (Prior Code 26-403, 1978)

**15-25-170. Minimum off-street Parking.** Minimum off-street parking for each dwelling unit, one space; for each school college or university, one space for every four students enrolled; for each church, one space for every four seats in the auditorium; for uses set forth in §15-25-110 (f) through (j), one space for every two beds; and for medical and dental clinics and recreational uses, one space for every 150 square feet of floor area. (Prior Code 26-403, 1978)

**TITLE 15**  
**ZONING**  
**CHAPTER 30**  
**R-M DISTRICT**

**Sections:**

15-30-100	R-M, Mobile Home Residential District
15-30-110	Uses Permitted
15-30-120	Minimum Area of Lot
15-30-130	Minimum Width of Lot
15-30-140	Minimum Front Yard
15-30-150	Minimum Rear Yard
15-30-160	Minimum Side Yard
15-30-170	Minimum Off-Street Parking
15-30-180	Minimum Standards

**15-30-100. R-M, Mobile Home Residential District.** The R-M, Mobile Home Residential District, is for areas combining both residential uses and mobile homes. (Ord. 26-404, prior Code 26-404, 1978)

**15-30-110. Uses permitted.**

- (a) All uses permitted in higher-ranked Residential Districts.
  - (b) Mobile homes used as one family dwellings.
- (Ord. 26-404, prior Code 26-404, 1978)

**15-30-120. Minimum Area of Lot.** The minimum lot area is:

- (a) Same as for R-G General Residential District.
  - (b) 6,000 square feet per each mobile home where allowed.
- (Ord. 26-404, prior Code 26-404, 1978)

**15-30-130. Minimum Width of Lot.** The minimum width of a lot is:

- (a) Same as for R-G General Residential District.
  - (b) 50 feet for each mobile home.
- (Ord. 26-404, prior Code 26-404, 1978)

**15-30-140. Minimum Front Yard.** The minimum distance of any building or mobile home from the front lot line is 15 feet. (Ord. 26-404, prior Code 26-404, 1978)

**15-30-150. Minimum Rear Yard.** The minimum distance of any principal building or mobile home from the rear lot line is 15 feet. All other buildings must be at least five feet from the rear lot line. (Ord. 26-404, prior Code 26-404, 1978)

**15-30-160. Minimum Side Yard.** The minimum side yard is the same as for R-G General Residential District, except for mobile homes, which shall be 10 feet. (Ord. 26-404, prior Code 26-404, 1978)

**15-30-170. Minimum Off-Street Parking.** Minimum off-street parking is the same as in R-G General Residential District; and one space for each mobile home. (Ord. 26-404, prior Code 26-404, 1978)

**15-30-180. Minimum Standards.** Each mobile home must comply with the minimum standards governing mobile home parks as prescribed by the Department of Health of the State of Wyoming. and with Title 14 and all other ordinances of the Lusk Municipal Code. (Ord. 26-404, prior Code 26-404, 1978)

**TITLE 15**  
**ZONING**  
**CHAPTER 35**  
**B-L DISTRICT**

**Sections:**

15-35-100	B-L, Limited Business District
15-35-110	Uses Permitted
15-35-120	Separation Required
15-35-130	Minimum Area of Lot
15-35-140	Minimum Width of Lot
15-35-150	Minimum Front Yard
15-35-160	Minimum Rear Yard
15-35-170	Minimum Side Yard
15-35-180	Minimum Off-Street Parking

**15-35-100. B-L, Limited Business District.** The B-L, Limited Business District, is for areas for controlled business uses. (Prior Code 26-405, 1978)

**15-35-110. Uses Permitted:**

- (a) Personal service shops;
- (b) Indoor restaurants;
- (c) Retail stores;
- (d) Hotels and motels;
- (e) Offices and clinics;
- (f) Gas stations;
- (g) Banks, savings and loan, and finance companies;
- (h) Membership clubs;
- (j) Public utility and public service installations excluding repair and storage facilities;

and

- (k) Accessory buildings and uses.
- (Prior Code 26-405, 1978)

**15-35-120. Separation Required.** Any use permitted in this district is to be separated from abutting residential zoning districts by a solid fence or wall at least 6 feet in height, and before a building permit is issued, the application shall be accompanied by a site plan of the lot, showing the location and dimensions of existing and proposed structures, parking area, loading areas and curb cuts. (Ord. 26-405; prior Code 26-405, 1978)

**15-35-130. Minimum Area of Lot.** The minimum area of a lot is three times the total floor area per each business building. (Ord. 26-405; prior Code 26-405, 1978)

**15-35-140. Minimum Width of Lot.** The minimum width of a lot is 100 feet. (Ord. 26-405; prior Code 26-405, 1978)

**15-35-150. Minimum Front Yard.** The minimum distance of any building from the front lot line is 30 feet. (Ord. 26-405; prior Code 26-405, 1978)

**15-35-160. Minimum Rear Yard.** The minimum distance of any principal building from the rear lot line is 30 feet. All other buildings shall be at least five feet from the rear lot line. (Ord. 26-405; prior Code 26-405, 1978)

**15-35-170. Minimum Side Yard.** The minimum distance of any building from each side lot line is 30 feet. (Ord. 26-405; prior Code 26-405, 1978)

**15-35-180. Minimum Off-Street Parking.** Minimum off-street parking for any permitted use is one space for every 150 square feet of floor area. (Ord. 26-405; prior Code 26-405, 1978)

**TITLE 15**  
**ZONING**  
**CHAPTER 40**  
**B-G DISTRICT**

**Sections:**

15-40-100	B-G, General Business District
15-40-110	Uses Permitted
15-40-120	Minimum Off-Street Parking
15-40-130	Setbacks

**15-40-100. B-G, General Business District.** The B-G, General Business District, is for major business and recreational centers. (Prior Code 26-406, 1978)

**15-40-110. Uses Permitted.** General business uses, recreational centers and churches, including but not limited to the following:

- (a) Personal service shops;
  - (b) Restaurants, bars and other eating and drinking places;
  - (c) Retail stores;
  - (d) Hotels and motels;
  - (e) Tourist homes;
  - (f) Offices and clinics;
  - (g) Gas stations;
  - (h) Banks, savings and loan, and financial companies;
  - (j) Membership clubs;
  - (k) Recreational uses;
  - (l) Printing and newspaper offices;
  - (m) Parking garages
  - (n) Automobile sales and repair;
  - (o) Small dry cleaning plants and coin operated laundries;
  - (p) Churches;
  - (q) Parks and playgrounds;
  - (r) Apartments located as a part of a hotel, motel or business building;
  - (s) Public utility and public service installations; excluding repair and storage facilities;
  - (t) Accessory buildings and uses.
- (Prior Code 26-406, 1978)

**15-40-120. Minimum Off-Street Parking.** Minimum off-street parking for any permitted use is one space for every 300 square feet of floor area. (Prior Code 26-406, 1978)



**15-40-130. Setbacks.** Buildings in this District can utilize the entire lot, with no setback requirements; provided, however, the fronts and backs of buildings shall match, as closely as reasonably possible, the setbacks of existing surrounding buildings. (Adoption Ordinance, 2004)

**TITLE 15**  
**ZONING**  
**CHAPTER 45**  
**I-L DISTRICT**

**Sections:**

15-45-100	I-L, Limited Industrial District
15-45-110	Uses Permitted
15-45-120	Minimum Area of Lot
15-45-130	Minimum Width of Lot
15-45-140	Minimum Front Yard
15-45-150	Minimum Rear Yard
15-45-160	Minimum Side Yard
15-45-170	Minimum Off-Street Parking

**15-45-100. I-L, Limited Industrial District.** The I-L, Limited Industrial District, is for restricted industrial and commercial areas, which can be combined with residential uses. (Prior Code 26-407, 1978)

**15-45-110. Uses Permitted.**

- (a) Uses permitted in all higher-ranked Districts;
- (b) Any kind of scientific research, limited manufacturing, compounding, assembling, processing or treatment of products, distribution centers, food and beverage processing, storage warehouses and similar non-offensive, limited industrial and commercial uses, provided the following limitations are placed on all principal and accessory uses;
  - (1) Dust, fumes, odors, refuse matter, smoke, vapor, noise, lights, and vibrations shall be confined to the lot upon which such use is located; and
  - (2) Outdoor storage areas shall be concealed from view from abutting streets and highways, and from adjoining residential zoning districts.
- (f) Such uses shall include but not be limited to the following:
  - (1) warehouses and enclosed storage;
  - (2) plumbing, electrical and carpenter shops;
  - (3) farm implement sales;
  - (4) blacksmith shops;
  - (5) auto repair shops;
  - (6) auto sales;
  - (7) gas stations;
  - (8) bottling works;
  - (9) frozen food lockers;
  - (10) dairies;
  - (11) recreational uses;

- (12) dry cleaning plants and commercial laundries;
- (13) transportation depots;
- (14) mobile home sales;
- (15) builders' storage yards;
- (16) lumber yards;
- (17) public utility installations, including repair and storage facilities;
- (18) veterinary hospitals; and
- (19) accessory buildings and uses.

(Prior Code 26-407, 1978)

**15-45-120. Minimum Area of Lot.** The minimum area of a lot is equal to the total floor area of the building but not less than 6,000 square feet. (Prior Code 26-407, 1978)

**15-45-130. Minimum Width of Lot.** The minimum width of a lot is 50 feet. (Prior Code 26-407, 1978)

**15-45-140. Minimum Front Yard.** The minimum distance of any building from the front lot line is 15 feet. (Prior Code 26-407, 1978)

**15-45-150. Minimum Rear Yard.** The minimum distance of any principal building from the rear lot line is 15 feet. (Prior Code 26-407, 1978)

**15-45-160. Minimum Side Yard.** The minimum distance of any building from each side lot line is one foot for each 3 feet or fraction thereof of building height, except that no side yard shall be less than 5 feet. (Prior Code 26-407, 1978)

**15-45-170. Minimum Off-Street Parking.** Minimum off-street parking for each dwelling unit or mobile home is one space; and for any other permitted use, one space for every two employees. (Prior Code 26-407, 1978)

## TITLE 15

### ZONING

#### CHAPTER 50

#### I-G DISTRICT

##### **Sections:**

- 15-50-100 I-G, General Industrial District
- 15-50-110 Uses Permitted
- 15-50-120 Minimum Off-Street Parking

**15-50-100. I-G, General Industrial District.** The I-G, General Industrial District, is for industrial areas with only minor restrictions. (Prior Code 26-408, 1978)

**15-50-110. Uses Permitted.** Any business, commercial, industrial or manufacturing use which may create some nuisance and therefore is not compatible with residential uses; provided adequate mechanical and/or structural safeguards are installed to reduce offensive noise, vibration, smoke, dust, heat, glare or other objectionable features to a level whereby areas outside of the I-G, General Industrial district, are not adversely affected; and further provided that all junk yards shall be completely screened by a solid fence at least 6 feet in height and shall not be adjacent to an arterial highway or major street. All potential nuisances and protective safeguards or controls shall be identified before a building permit is granted, and in cases where the Building Inspector is in doubt as to the effectiveness of the proposed control devices, approval of the Town Council shall be required before a building permit is issued. (Prior Code 26-408, 1978)

**15-50-120. Minimum Off-Street Parking.** Minimum off-street parking for any permitted use is one space for every two employees. (Prior Code 26-408, 1978)

## TITLE 15

### ZONING

#### CHAPTER 55

#### ACCESSORY BUILDINGS AND USES

##### **Sections:**

15-55-100	Definition of Accessory Buildings and Uses
15-55-110	Home Occupations
15-55-120	Household Pets
15-55-130	Signs
15-55-140	Off-Street Parking
15-55-150	Off-Street Parking Loading Areas
15-55-160	Fences, hedges and Walls

##### **15-55-100. Definition of Accessory Buildings and Uses.**

(a) An "accessory building and use" is a subordinate use of a building, other structure, or tract of land, or a subordinate building or other structure:

- (1) which is clearly incidental to the use of the principal building, other structure or use of land;
- (2) which is customary in connection with the principal building, other structure or use of land; and
- (3) which is ordinarily located on the same lot with the principal building, other structure or use of land.
- (4) Any accessory building which exceeds 120 square feet in size shall not be constructed or erected until a building permit for said building shall be obtained.
- (5) There shall be a minimum distance of five feet of any accessory building from the front, rear and side lot lines.

(b) "Accessory buildings and uses" may include, but are not limited to, the following:

- (1) home occupations;
- (2) household pets and pet buildings;
- (3) signs;
- (4) off-street loading areas;
- (5) off-street loading areas;
- (6) storage and lawn sheds;
- (7) private greenhouse;
- (8) private swimming pool;
- (9) garages, workshops, and tenant houses;
- (10) storage or merchandise in business, commercial and industrial districts;
- (11) fallout shelters; and
- (12) cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises. (Ord. 26-601; prior Code 26-601, 1978)

**15-55-110. Home Occupations.** A home occupation shall be allowed as a permitted accessory used provided all of the following conditions are met:

(a) Such use shall be conducted entirely within a dwelling and carried on by the inhabitants living there and not more than one other employee;

(b) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof;

(c) The total area used for such purposes shall not exceed one-half the floor area of the user's dwelling unit;

(d) There shall be no exterior advertising other than identification of the home occupation;

(e) There shall be only incidental sale of stocks, supplies, or products conducted on the premises;

(f) There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation;

(g) There shall be no offensive noise, vibration, dust, smoke, odors, heat, or glare noticeable at or beyond the property line;

(h) A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation;

(j) In particular, a home occupation may include, but is not limited to the following, provided all requirements contained herein are met: art studio, dressmaking or millinery work, professional office, office for insurance or real estate sales, teaching, the renting of rooms to not more than two persons per dwelling, beauty parlors, and nursery schools;

(k) A home occupation shall not be interpreted to include the following: animal hospital, nursing home, restaurant, or motel.

(Prior Code 26-602, 1978)

**15-55-120. Household Pets.** ~~Pets, such as dogs and cats, which are generally kept within a dwelling, shall be considered as a permitted accessory use, provided not more than two adult animals are kept on any one lot. (Prior Code 26-603, 1978)~~ Ordinance No. 9-5-400 replaces this ordinance (April 1<sup>st</sup> 2014) Rescinded.

**15-55-130. Signs.** Signs shall be permitted in the various districts as accessory uses in accordance with the following regulations:

(a) Signs in the R-E, R-L, and R-G Districts may include;

(1) One identification sign per one family or two family dwelling, provided such sign does not exceed two square feet in area per face;

(2) One identification sign per multiple family dwelling, provided such sign does not exceed 20 square feet in area per face and has only indirect illumination;

(3) One "for sale" or "for rent" sign per lot, provided such sign does not exceed six square feet in area per face and is unlighted;

(4) One identification sign during the first year of construction of a new subdivision, provided such sign does not exceed 100 square feet in area per face and is unlighted; and

(5) One identification sign per public or semipublic use provided such sign does not exceed 35 square feet in area per face and has only indirect illumination.

(b) Signs in the B-L and I-L Districts may include;

- (1) Signs permitted in the R-G District; and
  - (2) Building signs and free standing signs, provided the maximum total surface area of such signs does not exceed two square feet for each lineal foot of lot width, the maximum total surface area for any one face of a sign does not exceed 400 square feet and provided no free standing sign or sign above the roof level of the building on which it is attached is higher than 25 feet above ground level.
  - (c) Signs in the B-G and I-G Districts may include;
    - (1) Signs permitted in the R-G District; and
    - (2) Building signs and free standing signs, provided the maximum total surface area for any one face of a sign does not exceed 400 square feet and provided no free standing sign or sign above the roof level of the building on which it is attached is higher than 25 feet above ground level.
  - (d) The following signs shall be prohibited in all Districts:
    - (1) Mechanical or electrical appurtenances, such as "revolving beacons" which are obviously designed just to compel attention;
    - (2) Flashing red, green or amber signs located within 100 feet of an intersection; and
    - (3) Any sign located so as to conflict with the clear and obvious appearance of public devices controlling public traffic.
  - (e) All signs erected in a public right-of-way by a public agency controlling or directing traffic and private signs used exclusively to direct automobile traffic on private property shall be exempt from the provisions of this Title.
- (Prior Code 26-604, 1978)

**15-55-140. Off-Street Parking.**

- (a) Off-street parking spaces, each containing at least 200 square feet for parking and 100 square feet of driveway shall be required as an accessory use as required for each district for new buildings and major additions located in a block not more than 30% of the total area of which is occupied by first floor area of buildings existing at the time of the adoption of this amendment; provided that where a block is divided by a zone boundary, then such off-street parking spaces shall be required as an accessory use as required for each district for new buildings and major additions when that portion of the block in the zone in which the new building or addition is being constructed is not more than 30% occupied by first floor area of buildings existing at the time of the adoption of this amendment; provided further that neither any new buildings nor any addition shall reduce or eliminate existing off-street parking spaces where such off-street parking spaces do not now or would, after such construction or addition, not conform to the requirements for the district in which located.
- (b) In lieu of locating parking spaces on the lot which generates the parking requirements, such parking spaces may be provided on any lot or premises owned by the owner of the parking generator, within 200 feet of the property generating such parking requirements for any residential use and within 400 feet of the property generating such parking requirements for any business or industrial use.
- (c) All area counted as off-street parking space shall be unobstructed and free of other uses.

(d) Unobstructed access to and from a street shall be provided for all off-street parking space.

(e) All open off-street parking spaces shall be surfaced with asphalt, concrete, compacted gravel, or other dustless material. All open off-street parking areas with 10 or more spaces shall be adequately screened from any adjoining residentially zoned lot by a fence or wall at least 4 feet but not more than 6 feet, in height or by a strip at least 4 feet densely planted with trees or shrubs which shall be maintained in good condition at all times. In addition, if lighting is provided, it shall not be directed toward any adjacent residential areas.

(f) Off-street parking spaces may be provided in areas designed to serve jointly two or more buildings or users provided that the total number of off-street parking spaces shall not be less than that required by this Title for the total combined number of buildings or uses.

(g) No part of an off-street parking space required for any building or use for the purpose of complying with the provisions of this Title shall be included as a part of an off-street parking space similarly required for another building or use and no part of an off-street parking space required for any building or use for the purpose of complying with the provisions of this Title shall be converted to any use other than parking unless additional parking space is provided to replace such converted parking space and to meet the requirements of any use to which such parking space is converted. (Prior Code 26-605, 1978)

**15-55-150. Off-Street Loading Areas.** In the B-L, B-G, I-L, and I-G Districts, off-street loading areas (containing 500 square feet with no one dimension less than 10 feet) shall be required as an accessory use for new construction or major additions involving an increase in floor area, as follows: one off-street loading space for each 20,000 square feet, or fraction thereof of floor area in excess of 20,000 square feet, provided no such loading space occupies any part of a public street, alley, driveway or sidewalk. (Prior Code 26-606, 1978)

**15-55-160. Fences, Hedges and Walls.** Fences, hedges and walls may be permitted in the various districts as accessory uses in accordance with the following limitations:

(a) In the R-E, R-L and R-G Districts, fences, hedges and walls on lot lines shall not exceed 4 feet in height when located less than 30 feet from the front lot line.

(b) In the R-E, R-L and R-G Districts, fences, hedges and walls on lot lines shall not exceed 6 feet in height when located more than 30 feet from the front lot line.

(c) In the R-E, R-L and R-G Districts, no fence, hedge or wall on lot lines on a corner lot shall exceed 2 ½ feet in height when located within 30 feet of the corner formed by the front lot line and the side lot line along the side street; and no fence, hedge or wall shall exceed 2 ½ feet in height when located within 5 feet of the corner formed by an alley line and a street line; provided that chain link or other metal see-through fencing not exceeding 4 feet in height may be constructed within such areas, provided that such fencing will not so obstruct visibility across the corner as to create a traffic hazard; further provided that the determination by the Building Inspector as to whether such fencing will so obstruct visibility as to create a traffic hazard shall be conclusive; and further provided that no plant, object, or thing of any type whatever over 2½ feet in height shall be placed, planted or permitted to grow along such fencing within said areas.

(d) No barbed wire or other sharp pointed metal fence and no electrically charged fence shall be permitted in any district.



(e) The foregoing limitations shall not apply to fencing around public buildings and utilities where required for public safety and the protection of public property. (Prior Code 26-607, 1978)

## **TITLE 15**

### **ZONING**

#### **CHAPTER 60**

#### **SUPPLEMENTARY REGULATIONS**

##### **Sections:**

- 15-60-100      Supplementary Lot Area and Lot Width Regulations
- 15-60-110      Supplementary Yard Regulations
- 15-60-120      Supplementary Building Height Regulations

##### **15-60-100. Supplementary Lot Area and Lot Width Regulations.**

(a) Where an individual lot was held in separate ownership from adjoining properties or was platted prior to the effective date of this Title in a recorded subdivision approved by the Town Council and has less area or less width, than required in other sections of this Title, such a lot may be occupied according to the permitted uses provided for the district in which such lot is located, provided that no lot area or lot width is reduced more than 1/3 the zoning requirements otherwise specified by this Title.

(b) No part of an area or width required for a lot for the purpose of complying with the provisions of this Title shall be included as an area or width required for another lot. (Prior Code 26-701, 1978)

##### **15-60-110. Supplementary Yard Regulations.**

(a) In any district where lots comprising 50% or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than 10 feet, the average front yard of such buildings shall be the minimum required.

(b) Cornices, canopies, eaves or similar architectural features may extend into a required setback not more than two feet

(c) Fire escapes may extend into a required rear yard not more than six feet

(d) The side yard along the street side of a normal corner lot (not a reverse corner lot) shall be not less than 2/3 of the front yard requirement for the district in which the lot is located.

(e) The side yard along the street side of a reverse corner lot shall be not less than the required front yard requirement for the district in which the lot is located.

(f) No part of a yard required for a building for the purpose of complying with the provisions of this Title shall be included as a yard for another building.

(g) Accessory buildings may be located in rear yards, required for principal buildings, except that all garages which have doors opening directly onto an alley shall be located at least 15 feet from the rear lot line. (Prior Code 26-702, 1978)

##### **15-60-120. Supplementary Building Height Regulations.**

(a) All dwellings shall be constructed with at least 75% of the roof surface higher than seven feet from grade.

(b) It shall be unlawful to construct, build, or establish any building, trees, smoke stack, chimney, flag pole, wire, tower, or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing, and takeoff of aircraft at a publicly used airport. (Prior Code 26-703, 1978)

**TITLE 15**  
**ZONING**  
**CHAPTER 65**  
**NON-CONFORMING USES**

**Sections:**

15-65-100	Definition of a Non-Conforming Use and a Non-Conforming Building
15-65-110	Continuation of Use
15-65-120	Change of Use
15-65-130	Abandonment of Use
15-65-140	Restoration
15-65-150	Enlargement of a Building Containing a Non-Conforming Use
15-65-160	Alteration of a Non-Conforming Building
15-65-170	Structural Changes

**15-65-100. Definition of a Non-Conforming Use and a Non-Conforming Building.**

(a) A "non-conforming use" shall include any legally existing use, whether within a building or other structure or on a tract of land, which does not conform to the "use" regulations of this Title for the district in which such "non-conforming use" is located, either at the effective date of this Title or as a result of subsequent amendments which may be incorporated into this Title.

(b) A "non-conforming building" shall include any legally existing building which does not conform to the "location and bulk" regulations of this Title for the district in which such "non-conforming building" is located, either at the effective date of this Title or as a result of subsequent amendments which may be incorporated into this Title. (Prior Code 26-801, 1978)

**15-65-110. Continuation of Use.** A non-conforming use may be continued and a non-conforming building may continue to be occupied, except as both of the foregoing are otherwise provided for in this section. (Prior Code 26-802, 1978)

**15-65-120. Change of Use.** A non-conforming use may be changed to any conforming use or to any use of a more restrictive classification. (Prior Code 26-803, 1978)

**15-65-130. Abandonment of Use.** If active and continuous operations are not carried on in a non-conforming use during a continuous period of six months, the building, other structure or tract of land where such nonconforming use previously existed shall thereafter be occupied and used only for a conforming use. Intent to resume active operations shall not affect the foregoing. (Prior Code 26-804, 1978)

**15-65-140. Restoration.** A non-conforming building or a building containing a non-conforming use which has been damaged by fire or other causes may be restored to its original

condition provided such work is started within six months of such calamity and completed within one year of the time the restoration is commenced. (Prior Code 26-805, 1978)

**15-65-150. Enlargement of a Building Containing a Non-Conforming Use.** A building containing a non-conforming use shall not be enlarged or extended by more than 25 percent of its total floor area existing at the time of adoption of this Title. (Prior Code 26-806, 1978)

**15-65-160. Alteration of a Non-Conforming Building.** A non-conforming building may be structurally altered, or enlarged in any way permitted by these regulations, provided no alterations, repairs, or enlargements shall be made in a non-conforming building which would increase the degree of non-conformity with the regulations of this Title. (Prior Code 26-807, 1978)

**15-65-170. Structural Changes.** Any building or other structure containing a non-conforming use or any non-conforming building or portion thereof declared unsafe by the Town Building Inspector may be strengthened or restored to a safe condition. (Prior Code 26-808, 1978)

**TITLE 15**  
**ZONING**  
**CHAPTER 70**  
**VARIANCES**

**Sections:**

15-70-100     Zoning Board of Adjustment  
15-70-110     Procedures

**15-70-100. Zoning Board of Adjustment.**

(a) The Mayor and the Town Council of the Town of Lusk shall serve as the Board of Adjustment, and as such shall have the following powers and duties, all of which shall be exercised subject to the laws of the State of Wyoming and all other applicable Town ordinances, subject to appropriate conditions and safeguards, and in harmony with the purpose and intent of this Chapter, and in accordance with the public interest and the most appropriate development of the neighborhood.

(1) To hear and decide appeals from and review any order, requirement, decision or determination made by the Planning and Zoning Board and any administrative official charged with enforcement of the regulations established by this Title.

(2) To vary and adjust the strict application of any of the requirements of this Title in the case of an irregular, narrow, shallow, or steep lot, or other physical condition applying to a lot or building, a result of which strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved.

(b) No adjustment in the strict application of any provision of this Title shall be granted by the Board of Adjustment unless it finds:

(1) That there are special circumstances or conditions, fully described in the findings of the Board, applying to the land or buildings for which the adjustment is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the neighborhood, and which have not resulted from any act of the applicant subsequent to the effective date of the applicable provisions of this Title;

(2) That, for reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this Title would deprive the applicant of the reasonable use of such land or building, that the granting of the adjustment is necessary for the reasonable use of the land or building, and that the adjustment is granted by the Board is a minimum adjustment that will accomplish this purpose; and

(3) That the granting of the adjustment will be in harmony with the general purposes and intents of this Title, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(c) The Board may grant variances upon request where there is shown to be an illegal construction or nonconforming building or use which has existed for a period of at least five years in violation of this Title, and the Town has not taken any steps toward enforcement of such violation. (Adoption Ordinance, 2004)

**15-70-110. Procedures.** The Board of Adjustment shall hold a public hearing on all applications and appeals with the following special conditions required:

(a) A notice of said hearing shall be published in a newspaper of general circulation within the Town of Lusk at least seven days prior to the hearing date.

(b) For applications for variances of this Title, the Board of Adjustment shall mail a written notice of said hearing at least seven days prior to the hearing date to the applicant and to owners of property adjacent to the property in question. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of the Board of Adjustment.

(c) For applications for variances of this Title, the applicant shall be charged a fee to cover the cost of advertising and processing.

(d) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after notice of appeal has been filed, that a stay would, in the opinion of the officer, cause imminent peril to life or property, in which case proceedings shall not be stayed, except by a restraining order by a District Judge. (Adoption Ordinance, 2004)

**TITLE 15**  
**ZONING**  
**CHAPTER 75**  
**AMENDMENTS**

**Sections:**

15-75-100	General Procedure
15-75-110	Special Procedure
15-75-120	Protest

**15-75-100. General Procedure.** Amendments to this Title shall be in accordance with the laws of the State of Wyoming and all other applicable Town Ordinances and shall require the following action:

(a) Study and recommendation concerning the proposed amendment by the Planning and Zoning Board.

(b) Completion of a public hearing before the Town Council after at least 15 days notice of the time and place of such hearing shall have been given by at least one publication in a newspaper of general circulation within the Town of Lusk. (Prior Code 26-1001, 1978)

**15-75-110. Special Procedure.** Before submitting a report and recommendation on any proposed amendment to the "Zoning District Map of the Town of Lusk" the Planning and Zoning Board shall hold a public hearing on the proposed amendment with the following special conditions required.

(a) The Planning and Zoning Board shall send a written notice of said hearing at least seven days prior to the hearing date to the property owners of most recent tax record within the area, requesting rezoning and to the owners of property adjacent to the area proposed for rezoning. Failure to mail such notice to every property owner due to clerical omission shall not affect the validity of any hearing or determination of the Planning and Zoning Board.

(b) The applicant shall be charged a fee to cover the cost of advertising and processing. (Prior Code 26-1002, 1978)

**15-75-120. Protest.** If 20% or more of the owners of the lots within the area proposed for change or within 140 feet of the area protest against the change, the amendment shall not become effective unless a favorable vote of 3/4 of the Governing Body is given. Upon approval the amendment shall be by RESOLUTION and the zoning district map shall be changed accordingly. (Ord. 15-75-120, 2006; Prior Code 26-1003, 1978)



**TITLE 15**  
**ZONING**  
**CHAPTER 80**  
**ENFORCEMENT**

**Sections:**

15-80-100	Methods of Enforcement
15-80-110	Building Permit
15-80-120	Certificate of Occupancy
15-80-130	Inspection
15-80-140	Criminal Liability
15-80-150	Injunction
15-80-160	Penalty
15-80-170	Liability for Damages

**15-80-100. Methods of Enforcement.** The provisions of this Title shall be enforced by the following methods:

- (a) Requirement of a building permit;
  - (b) Requirement of a certificate of occupancy;
  - (c) Inspection and ordering removal of violations;
  - (d) Injunction.
- (Prior Code 26-1101, 1978)

**15-80-110. Building Permit.**

(a) No building or other structure shall be erected, moved or structurally altered unless a building permit therefore has been issued by the Building Inspector, or his authorized representative. All permits shall be issued in conformance with the provisions of this Title and shall be valid for a period of time not exceeding one year from the date of issue.

(b) Before a building permit shall be issued to an owner or contractor of a building project which construction cost is \$100,000.00 or greater, said contractor shall provide evidence that it has secured a current Wyoming Sales and Use Tax License for the County of Niobrara as its location or origin.

(c) All applications for building permits must be accompanied by a current surveyor's certificate and plat setting forth the lot lines and location, dimensions and distance from lot lines of such proposed buildings or structures, unless waived by the Building Inspector.

(d) No new utility or service hook-ups will be permitted until an approved building permit has been issued on the site. (Ord. 26-1102, 1984; 26-1102, 1983; prior Code 26-1102, 1978)

**15-80-120. Certificate of Occupancy.**

(a) Except for farming and gardening, no land or building shall hereafter be changed in use, nor shall any new structure, building or land be occupied or used unless the owner first shall have obtained a Certificate of Occupancy from the Building Inspector.

(b) Provided the use shall be in conformance with the provisions of this Title, a Certificate of Occupancy shall be issued within 10 days of the time of notification that the building is completed and ready for occupancy. A copy of all Certificates of Occupancy shall be filed by the Building Inspector and shall be available for examination by any person with either proprietary or tenancy interest in the property or building. (Prior Code 26-1103, 1978)

**15-80-130. Inspection.** The Building Inspector and his authorized representative are hereby empowered to cause any building, other structure or tract of land to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of this Title. After any such order has been served, no work shall proceed or any building, other structure or tract of land covered by such order, except to correct or comply with such violation. (Prior Code 26-1104, 1978)

**15-80-140. Criminal Liability.** A person shall be guilty of a misdemeanor in any case where:

(a) Any violation of any of the provisions of this Title exists in any building, any other structure or tract of land;

(b) An order to remove any such violation has been served upon the owner, general agent, lessee or tenant of the building, other structure or tract of land (or any part thereof) or upon the architect, builder, contractor or any other person who commits or assists in any such violation; and

(c) Such person shall fail to comply with such order within 10 days after the service thereof. (Prior Code 26-1105, 1978)

**15-80-150. Injunction.** In addition to any of the foregoing remedies, the Town Attorney acting in behalf of the Town Council may maintain an action for an injunction to restrain any violation of this Title. (Prior Code 26-1106, 1978)

**15-80-160. Penalty.** Any person, firm or corporation violating any provisions of this Title, upon conviction thereof, shall be guilty of a misdemeanor, subject to the penalty provisions of § 2-35-100 for each offense. Each day during which the illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. (Prior Code 26-1107, 1978)

**15-80-170. Liability for Damages.** This Title shall not be construed to hold the Town of Lusk responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or by reason of issuing a building permit as herein provided. (Prior Code 26-1108, 1978)

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## TITLE 15

### ZONING

#### CHAPTER 85

#### FLOOD DAMAGE PREVENTION

##### Sections:

15-85-100	Statutory Authorization
15-85-110	Findings of Fact
15-85-120	Statement of Purpose
15-85-130	Methods of Reducing Flood Losses
15-85-140	Definitions
15-85-150	Lands to Which This Chapter Applies
15-85-160	Basis for Establishing the Areas of Special Flood Hazard
15-85-170	Compliance
15-85-180	Abrogation and Greater Restrictions
15-85-190	Interpretation
15-85-200	Warning and Disclaimer of Liability
15-85-210	Establishment of Development Permit
15-85-220	Designation of the Building Inspector
15-85-230	Duties and Responsibilities of the Lusk Building Inspector
15-85-240	General Standards
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**15-85-100. Statutory Authorization.** The legislature of the State of Wyoming has in W.S. §§ 18-5-101 through 18-5-315 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health safety, and general welfare of its citizenry. Therefore, the Town Council of Lusk, Wyoming does ordain as follows. (Prior Code 26-1301, 1986)

**15-85-110. Findings of Fact.**

(a) The flood hazard areas of the Town of Lusk are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss. (Prior Code 26-1301, 1986)

**15-85-120. Statement Of Purpose.** It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public;
- (d) To minimize prolonged business interruptions;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (g) To insure that potential buyers are notified that property is in an area of special flood hazard; and,
- (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Prior Code 26-1301, 1986)

**15-85-130. Methods of Reducing Flood Losses.** In order to accomplish its purpose, this Chapter includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Prior Code 26-1301, 1986)

**15-85-140. Definitions.** Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

- (a) "Area of special flood hazard" means the land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.
- (b) "Base flood" means the flood having a 1% chance of being equaled or exceeded in any given year.
- (c) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

(d) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

(e) "Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

(f) "Mobile Home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

(g) "Structure" means a walled and roofed building or mobile home that is principally above ground.

(h) "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- (1) before the improvement or repair is started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
  - (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (Prior Code 26-1301, 1986)

**15-85-150. Lands to Which This Chapter Applies.** This Chapter shall apply to all areas of special flood hazards within the jurisdiction of Lusk, Wyoming. (Prior Code 26-1301, 1986)

**15-85-160. Basis for Establishing The Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), dated March 18, 1986, is adopted by reference and declared to be part of this Chapter. The FIRM is on file at the Town Office, Lusk, Wyoming. (Prior Code 26-1301, 1986)

**15-85-170. Compliance.** No structure or land shall hereafter be constructed, located, extended or altered without full compliance with the terms of this Chapter and other applicable regulations. (Prior Code 26-1301, 1986)

**15-85-180. Abrogation and Greater Restrictions.** This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Prior Code 26-1301, 1986)

**15-85-190. Interpretation.** In the interpretation of this Chapter, all provisions shall be:

- (a) Considered as minimum requirements;
  - (b) Liberally construed in favor of the governing body; and,
  - (c) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (Prior Code 26-1301, 1986)

**15-85-200. Warning and Disclaimer of Liability.** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the Town of Lusk, Wyoming, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Chapter or any administrative decisions lawfully made thereunder. (Prior Code 26-1301, 1986)

**15-85-210. Establishment of Development Permit.** A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in § 15-85-160. Application for a Development Permit shall be made on forms furnished by the Lusk Building Inspector and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required;

- (a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (b) Elevation in relation to mean seal level to which any structure has been flood proofed;
- (c) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in § 15-85-240(b); and,
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Prior Code 26-1301, 1986)

**15-85-220. Designation of the Building Inspector.** The Director of Public Works, serving as the Lusk Building Inspector, is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions. (Prior Code 26-1301, 1986)

**15-85-230. Duties and Responsibilities of the Lusk Building Inspector.** Duties of the Lusk Building Inspector shall include, but not be limited to:

**(a) Permit Review**

(1) Review all development permits to determine that the permit requirements of this Chapter have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this Chapter, "adversely affects: means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

(A) If it is determined that there is no adverse affect and the development is not building, then the permit shall be granted without further consideration.

(B) If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer) for the proposed development shall be required.

(C) If the proposed development is a building, then the provisions of this Chapter shall apply.

**(b) Use of other base flood data.** When base flood elevation data has not been provided in accordance with § 15-85-160, Basis for Establishing The Areas of Special Flood Hazard, the Lusk Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer § 15-85-240, Special Standards.

**(c) Information to be obtained and maintained.**

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new or substantially improved flood proofed

(A) verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood proofed.

(B) maintain the flood proofing certifications required in § 15-85-210(c).

(3) Maintain for public inspection all records pertaining to the provisions of this Chapter.

**(d) Alteration of watercourses.**

(1) Notify adjacent communities and the Wyoming Disaster and Civil Defense Agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

**(e) Interpretation of FIRM boundaries.** Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where



there appears to be a conflict between a mapped boundary and actual field conditions). (Prior Code 26-1301, 1986)

**15-85-240. General Standards.** In all areas of special flood hazards the following standards are required:

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(b) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(1) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

(3) All components of the anchoring system be capable of carrying a force of 4,800 lbs.; and,

(4) Any additions to the mobile home be similarly anchored.

(c) Construction Materials and Methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(d) Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(e) Subdivision Proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

(f) Encroachments. Any proposed development shall be analyzed to determine effects on the flood carrying capacity of the area of special flood hazard as set forth in § 15-85-230(a)(3), Permit Review. (Prior Code 26-1301, 1986)

**15-85-250. Special Standards.** In all areas of special flood hazards where base flood elevation data has been provided as set forth in § 15-85-230(b), Use of Other Base Flood Data, the following standards are required.

(a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(b) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

(1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(3) Be certified by a registered professional engineer or architect that the standard of this subsection are satisfied. Such certifications shall be provided to the official as set forth in § 15-85-230(c)(2) of this Chapter.

(Prior Code 26-1301, 1986)

## TITLE 15

### ZONING

#### CHAPTER 90

#### PLANNING AND ZONING BOARD

##### Sections:

15-90-100	Planning and Zoning Board
15-90-110	Administration
15-90-120	Appointment
15-90-130	Responsibilities
15-90-140	Hold harmless
15-90-150	Building Inspector

**15-90-100. Planning and Zoning Board.** There is hereby created an official Planning and Zoning Board within and for the Town of Lusk. If the governing body does not appoint a Planning and Zoning Board in accordance with the provisions of this Chapter, or if an appointed Board dissolves or fails to function for any reason, the Mayor and the Town Council shall function as the Planning and Zoning Board, with the Mayor acting as chairman. Appeals in such event shall be directly to a court of competent jurisdiction. (Adoption Ordinance, 2004)

**15-90-110. Administration.** It shall be the responsibility of the Town Council and its authorized agent, the planning and zoning Board, to administer the zoning ordinances of the Town. (Adoption Ordinance, 2004)

**15-90-120. Appointment.**

(a) The planning and zoning Board shall consist of five members, each residing within the corporate limits of the Town or within one mile of the corporate limits of the Town, who shall be appointed by the mayor with the consent of the Town Council. Members of the Board shall serve without compensation, other than their expenses.

(b) The term of the members of the Board shall be three years, except that the initial term of two members shall be for one year and the term for two members shall be for two years. In the event a vacancy shall occur during the term of any member, a successor shall be appointed by the mayor, with consent of the Town Council, for the unexpired portion of the term. (Adoption Ordinance, 2004)

**15-90-130. Responsibilities.** In performing its duties, the planning and zoning Board, in addition to other duties in this Title, shall have the following duties and responsibilities:

(a) With approval of the Town Council, establish and administer rules and procedures for conducting the zoning affairs of the Town, to include the development of necessary forms and procedures for its function not described by this Title.

(b) Coordinate with the Town Council and other Town officials in the administration of this Title.

(c) Receive and review all applications for variances and amendments of the zoning map, and proceed on completed applications in accordance with applicable ordinances and its own procedures, including written findings and recommendations to the Town Council.

(d) Participate, when requested by the mayor, in meetings or public hearings before the Town Council.

(e) Maintain the official zoning map or maps and other records showing the current zoning districts of all lands within the Town.

(f) Propose to the Town Council any changes to this Title or to zone district classifications within the Town that may be desirable or necessary, subject to the amendment procedures set forth in this Title.

(g) Make any necessary examinations or studies relative to the use of land or structures to determine compliance with and appropriateness of the zoning ordinances.

(h) Maintain such records and files as may be necessary for the efficient conduct of its duties. (Adoption Ordinance, 2004)

**15-90-140. Hold Harmless.** The Town shall hold harmless the members of the planning and zoning Board, when acting in good faith and without malice, from all personal liability for any damage that may accrue to any person or property as a result of any act required by this Title or for the omission of any act in the discharge of their duties under this Title, and shall defend against any such suit through final determination of such proceedings. (Adoption Ordinance, 2004)

**15-90-150. Building Inspector.** The Mayor shall appoint a Building Inspector who shall perform the various duties required by the Lusk Municipal Code. The person appointed shall be experienced in construction and shall be familiar with the uniform codes adopted by the Town of Lusk and with all pertinent Lusk town ordinances. The Building Inspector shall be compensated as determined by the governing body of the Town of Lusk. In the event no building inspector is appointed or a vacancy in appointment occurs, the Director of Public Works shall serve as Building Inspector as part of his duties and compensation as Director of Public Works. (Adoption Ordinance, 2004)

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11-25-110	Electric Rates	January 18, 2005
11-25-130	Electric Service Due Dates	January 18, 2005
11-15-410	Sewer Rates	February 1, 2005
11-20-750	Water Delinquency Conditions	February 1, 2005
11-215-120	Electric Rates	February 1, 2005
11-25-130	Disconnect Procedures	March 28, 2005
15-75-120	Protest Procedures for Zoning Amendment	March 7, 2006
15-20-180	Minimum Dwelling Square Footage	June 6, 2006
15-20-190	Accessory Building Requirements	July 6, 2006
15-20-200	Roof Covering Materials	July 6, 2006
15-20-110	Permitted Uses R-L	September 5, 2006
7-25-210	Truck and Wide Vehicle Parking	January 2, 2007

# **LUSK MUNICIPAL CODE**

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