

CHAPTER 1

NUISANCES

SECTION:

- 3-1-1: Loud Speakers And Amplifiers
- 3-1-2: Prohibited Conditions
- 3-1-3: Notice Procedure
- 3-1-4: Compliance
- 3-1-5: Abatement And Costs
- 3-1-6: Penalty

3-1-1: LOUD SPEAKERS AND AMPLIFIERS:

- A. Declared Nuisance: It shall be unlawful for the proprietor of any dance hall or other place of amusement within the limits of the town to use outside loud speakers or amplifiers in connection with such business after the hour of ten thirty o'clock (10:30) P.M., and the use of such amplifiers or loud speakers after ten thirty o'clock (10:30) P.M. by any person is hereby declared to be a nuisance.
- B. Violation; Penalty: Any person violating this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. Each day that such loud speaker or amplifier shall be used after said hours shall be considered an additional offense. (Ord. 231, 10-1-1934; amd. 2003 Code)

3-1-2: PROHIBITED CONDITIONS:

It shall be unlawful and a nuisance for any person, firm or corporation to keep, use, maintain or cause or allow to be kept, used or maintained, any garbage, refuse, trash, dry or tall weeds or grass, silt of drainage areas, stagnant water, dead animals or parts thereof, animal feces, abandoned vehicles or parts thereof, or any other material which would tend to produce sickness or disease, constitute a fire hazard or attract insects, rodents or other

undesirable nondomestic animals; all hereinafter called "offensive matter", whether or not specifically listed above. (2003 Code)

3-1-3: NOTICE PROCEDURE:

When the chief of police has knowledge, upon complaint or otherwise, that such offensive matter exists in violation of this chapter, he shall order the owner, occupant or keeper of such premises upon which offensive matter is located to remove therefrom all substances in his or their judgment that are defined in section 3-1-2 of this chapter. (2003 Code)

3-1-4: COMPLIANCE:

It shall be the duty of the chief of police to give written notice of any violation defined in section 3-1-2 of this chapter. The owner, lessee, and/or occupant of the premises on which the offensive matter is located shall be liable for such compliance, and if such person shall refuse or fail to destroy and remove the offensive matter within fifteen (15) days after the written notice is given, he or they shall be subject to the costs and penalties described in sections 3-1-5 and 3-1-6 of this chapter. (2003 Code)

3-1-5: ABATEMENT AND COSTS:

- A. Failure To Comply: Upon failure to comply with the notice as hereinbefore mentioned, the mayor may order the removal of the offensive matter, charging the cost thereof to the person, firm or corporation who received and failed to comply with said notice.
- B. Lien; Discontinuance Of Utilities: Should such bill not be paid within thirty (30) days of receipt of the same, the charge will be a lien against said property and collectable as such, and the town shall have the right to discontinue all water, sewer, garbage and electrical service to the property upon which the offensive matter is located until payment is made in full. (2003 Code)

3-1-6: PENALTY:

Any person, firm or corporation responsible for such failure to comply with the provisions of this chapter shall, in addition to the expenses provided for in section 3-1-5 of this chapter, be subject to penalty as provided in section 1-4-1 of this code. (2003 Code)

CHAPTER 2

GARBAGE AND REFUSE

SECTION:

- 3-2-1: Definitions
- 3-2-2: Premises To Be Kept Clean
- 3-2-3: Annual Cleanup Week
- 3-2-4: Securing garbage, refuse and other materials
- 3-2-5: Prohibited items
- 3-2-6: Occupancy taken as proof of refuse accumulation
- 3-2-7: Restricted to town--Exceptions
- 3-2-8: Hauling--Contracting for construction sites
- 3-2-9: Collector's license--Fee
- 3-2-10: Collection vehicle--License required--Revocation
- 3-2-11: Collection vehicle--Requirements--Inspection
- 3-2-12: Depositing on street and public places
- 3-2-13: Construction projects--General
- 3-2-14: Construction projects--Disposal responsibility
- 3-2-15: Construction projects--Proof of collection
- 3-2-16: Solida Waste removal--New Buildings
- 3-2-17: Fees--Generally
- 3-2-18: Green Waste
- 3-2-19: Recycling
- 3-2-20: Unathorized Garbage Disposal
- 3-2-21: Violations
- 3-2-22: Noncompliance; Abatement by Town

3-2: GARBAGE:

This chapter is declared to be strictly a sanitary measure for the promotion and protection of the public health and safety and to prevent fire hazards and nuisance.

3-2-1: Definitions:

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Container" refers to any disposable bag, box, or similar item into which refuse is placed prior to being placed within a receptacle.
- B. "Garbage" means and includes all kitchen refuse, rejected or waste food, meats, fish, fowl, offal, carrion or other refuse accumulation, use, cooking of or the dealing in or storing of meats, fish, fowl, fruits, vegetables or anything whatsoever which will or may decompose and become foul, offensive, insanitary or dangerous to health.
- C. "Green Waste" shall consist of leaves, grass, small twigs and branches, sod and uncontaminated soil.
- D. "Litter" is any quantity of uncontainerized paper, metal, plastic, glass, animal feces, or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage or junk.

E. "Private property" includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

F. "Public property" includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal parks, playgrounds, other publicly-owned recreation facilities, and municipal waterways and bodies of water.

G. "Receptacle" means any non-disposable container used for the purpose of containing refuse.

H. "Refuse" means and includes all hay, straw, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles and the residue from the burning or other destruction of all combustible material whatsoever, and all other material commonly known as rubbish or refuse of whatever kind or character or by whatever name known, except as excluded by this chapter.

3-2-2: Premises to be kept clean.

It shall be the duty of any owner, agent, tenant, purchaser, contractor or lessee of any premises within the town including place of business, dwelling house, apartment, tenement, construction site, or other establishment, 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 declared to constitute a nuisance and a nonconforming use of the premises.

3-2-3: Annual Cleanup Week

At a time designated by the mayor and approved by the town council for a general spring cleanup, all materials such as refuse, lawn rakings, plant waste, tree or shrub cuttings or similar refuse which regularly accumulates about a yard and residential premises may be deposited in a convenient place on or near the street, but not where it will obstruct the use of the street for the accommodation of the residents, and, to encourage the maintenance of premises in a clean and orderly manner, the city will make special collection and disposal of such refuse, but such refuse shall not include dirt, rock, concrete, sod or other similar refuse.

3-2-4: Securing garbage, refuse and other materials.

A. All garbage, refuse or other disposable materials must be properly prepared for collection and contained to avoid littering. To avoid blowing of loose debris, each residence must contain all garbage, refuse or other disposable materials in a securely tied or sealed disposable bag or container. Such disposable bag or container must be of a material of sufficient thickness and strength to contain the refuse enclosed without tearing or ripping under normal handling. All garbage, refuse or other disposable materials must be placed in a disposable bag or container before being placed in a trash receptacle for collection and all trash receptacles must be covered with a lid. It is the responsibility of the property owner or resident to repackage torn disposable bags or containers or tipped trash receptacles in a timely manner in order to properly contain the materials for collection.

B. Brush from tree limbs or bushes may be tied in bundles not more than three feet long and weighing not more than twenty-five pounds each.

C. It shall be unlawful to place any household hazardous waste or hazardous waste in receptacles. Such materials shall be disposed of in accordance with all applicable federal, state and local statutes.

D. The owner or occupant of the premises shall be deemed to be responsible for any violation of or failure to comply with any of the requirements of this section. Garbage, refuse or disposable materials set out for collection which does not meet the requirements outlined herein will not be collected. If debris is scattered, the resident(s) must abate or the town may clean up the debris and charge the owner or occupant of the adjacent premises a fee of twenty-five dollars for the abatement.

E. Only refuse placed into town designated receptacles will be collected as part of the normal collection route.

F. All charcoal or ashes from barbecue pits, fireplaces or other sources must be thoroughly cold or doused with water before being placed in receptacles. The customer is responsible for replacement of town provided receptacles damaged as a result of hot ashes or coals.

3-2-5: Prohibited items

The following items shall be prohibited but this list is not intended to be an entire list of prohibited items.

- Heavy metals or metal parts
- Furnishings such as furniture, appliances, mattresses and/or box springs, or carpet.
- Hazardous materials such as asbestos, liquid chemical waste (paint, industrial chemicals, petroleum products),
- Construction/landscaping materials such as lumber, rocks, bricks, concrete blocks, sod, dirt, or gravel.
- Dead animals
- Tires

- Biohazardous Wastes - Any infectious or biomedical waste, or any waste containing or potentially containing any infectious materials or potentially infectious substances such as, but not limited to, animal and human blood and fluids. Such wastes also includes sharp materials used in the handling of biohazardous wastes such as needles, blades and glass, and other wastes that can cause injury during handling. Small amounts of biohazardous wastes are not prohibited if properly contained within sealed, nonbreakable containers clearly marked indicating the type of waste contained therein.
- Any hazardous waste characterized by ignitability, corrosivity, reactivity and toxicity or other waste considered hazardous by the Environmental Protection Agency,
- Materials from construction, demolition or remodeling shall not be placed in the solid waste receptacle. Arrangements may be made through the town for a special collection or the customer shall deliver these items to an approved landfill for proper disposal.

3-2-6: Occupancy taken as proof of refuse accumulation.

A. Any occupied place of abode, any place of business in operation or any construction site shall be prima facie evidence that garbage and refuse is being produced and accumulated on such premises. It shall be the duty of the public works director or designee to inspect and supervise such premises and to remove or cause to be removed all garbage or refuse found on the premises and in the adjoining streets and alleys, and to assess and collect a reasonable charge therefore from the abutting owner, agent, tenant, purchaser, contractor or lessee.

B. The owner of the property where waste is generated is responsible for the proper disposal of the waste regardless of whether the owner resides on the property.

3-2-7: Restricted to town--Exceptions.

A. Except as provided in Section 3-2-10, all garbage and refuse accumulated within the town shall be collected, conveyed and disposed of by the town under the supervision of the public works director or designee, and it is unlawful for any person to move over, upon or across any street or alley within the town any garbage or refuse, except representatives of the town; provided, that the provisions of this section shall not apply to persons hauling their own garbage or refuse from their homes or places of business or from construction sites.

B. All vehicles used for the transportation of refuse shall be fully enclosed or covered in such a manner as to prevent the spilling or blowing of refuse.

3-2-8: Hauling--Contracting for construction sites.

Construction site owners or contractors may contract with licensed collectors for the removal of garbage, refuse and other material through the town streets, or make arrangements for town services with the public works director or designee.

3-2-9: Collector's license--Fee.

The refuse and garbage collector license fee shall be fifty dollars a calendar year.

3-2-10: Collection vehicle--License required--Revocation.

All vehicles or conveyances used for the purpose of collecting garbage or refuse for construction sites shall be licensed for operation by the town which license may be revoked at any time for good cause shown, by vote of the town council.

3-2-11: Collection vehicle--Requirements--Inspection.

Trucks of licensed haulers shall be completely enclosed or provided with tarpaulins or covers which shall be tightly fastened when such trucks are in motion, and tailboards of sufficient height to control the load at all times. Such trucks are subject to inspection by the public works director or designee.

3-2-12: Depositing on streets and public places.

No person shall permit or cause to be deposited, on any public or private property of another within the town, any garbage or refuse. Keeping alleys clean and free from garbage, refuse and weeds, and personal property shall be the responsibility of each property owner along the width of his property and extending to the centerline of the alley.

3-2-13: Construction projects--Generally.

It is unlawful for the owner, agent or contractor in charge of any construction or demolition site to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project.

3-2-14: Construction projects--Disposal responsibility.

It shall be the duty of the owner, agent or contractor to have on the site adequate containers for the disposal of litter and to make appropriate arrangements for the collection thereof or for transport by himself to an approved landfill for final disposition.

3-2-15: Construction projects--Proof of collection.

The owner, agent or contractor may be required at any time to show proof of appropriate collection, or if transported by himself, of final disposition at an approved landfill.

3-2-16: Solid waste removal--New buildings. Before building permits shall be issued for construction of commercial buildings and multiple-dwelling units, plans for the adequacy, location and accessibility of solid waste containerization and storage facilities must be approved by the public works director.

3-2-17: Fees--Generally.

A. Except in cases where contracts have been entered into with licensed haulers as provided in Section 3-2-9, fees will apply as in Code 9-2-4.

3-2-18: Green Waste.

Green waste shall be disposed of whenever possible into containers marked for such products. No other items may be placed into the Green Receptacles marked for such a use.

3-2-19: Recycling.

The town shall provide recycling services only at approved recycling locations and in approved recycling containers. Items intended for recycling must be placed into appropriately marked containers and should be clean prior to disposal.

3-2-20: Unauthorized Garbage Disposal:

Any person or persons, firm, corporation or entity, who is a non-resident of the Town of Basin shall not dispose of garbage or refuse in the Town, unless they have made prior arrangements for the collection and payment to the Town at the proper collection rate. This includes residents of the Town who have not contracted for garbage service. Garbage shall not include properly recycled items.

3-2-21: Violations:

Any person or entity found to have violated any of the provisions contained herein shall, in addition to paying for any and all costs and expenses incurred by the Town associated with the cleanup and repair required to correct or abate the violation, if any, shall be subject to the general penalty provided for in Town of Basin Code Section 1-4-1.

3-2-22: NONCOMPLIANCE; ABATEMENT BY TOWN

- A. Notice: Should the Chief of Police determine that property is not being maintained in a suitable manner as herein provided, a notice will be issued to the property owner, lessee or occupier advising of these findings. If notice is given to the lessee or occupier, a copy of notice will also be issued to the property owner.
- B. Abatement By Town: If action is not taken by the property owner, lessee or occupier to correct these circumstances within thirty (30) days from the date of said letter, the council will cause said action to be taken. All expense to the town will be assessed against the property.
- C. Tax Lien: If the assessment is not satisfied within one year from the date it is made, a tax lien will be placed against the property involved.

CHAPTER 3

WEEDS

SECTION:

- 3-3-1: Noxious Weed Inspector
- 3-3-2: Nuisance Declared
- 3-3-3: Removal Required
- 3-3-4: Enforcement; Notice To Remove
- 3-3-5: Removal By Town; Failure To Pay Bill
- 3-3-6: Penalty

3-3-1: NOXIOUS WEED INSPECTOR:

- A. Appointment: A noxious weed inspector shall be appointed by the council to work in cooperation with the county pest inspector in the eradication of noxious weeds within the town.
- B. Duty To Inspect: It shall be the duty of the inspector to inspect as often as may be necessary, but not less than twice a year, all property within the town for the purpose of ascertaining and preventing the growth and spread of noxious weeds.
- C. Order To Destroy: Whenever the inspector shall find noxious weeds on any property, he shall order the same destroyed and such order shall forthwith be complied with to the satisfaction of the inspector.
- D. Failure To Comply: Any owner or holder of property failing to comply with such an order to destroy any noxious weeds found upon his property within three (3) days shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 275, 4-6-1942; amd. 2003 Code)

3-3-2: NUISANCE DECLARED:

- A. Nuisance Defined: All weeds and plants on the Big Horn County noxious weed list are hereby declared a nuisance. (Ord. 549, 8-7-2006)
- B. Duty To Cut: It shall be the duty of the owner, tenant, holder or agent of any lot, parcel of ground or piece of land, or of the extension in front or adjoining the same (the "extension" being herein defined as referring to that tract of land between the lot line and the curb or ditch line) within the town on which any weeds or plants of rank growth at any time shall be growing, to cut or grub the same, at such times and as often as shall be necessary to keep said lot, parcel of ground, piece of land or extension, in a neat, trim and tidy condition and to prevent the seeding of any of said weeds or plants.
- C. Alfalfa: Alfalfa may be grown upon any lot or parcel of ground as a principal crop but may not be grown upon the "extension" as above defined.
- D. Use Of Ditch Water: Any person, firm or corporation failing to comply with the provisions of this section shall be refused permission to use the ditch water for irrigation and other purposes; and the headgate, if there be any, leading to his or their property, shall be shut down by the crew supervisor.
- E. Cutting By Town: If any person, firm or corporation shall fail to cut down, grub and destroy the weeds or plants above named, then and in that event, such weeds and plants may be cut down and grubbed at the expense of the town, and the cost of said work shall be assessed against said lot or parcel of land or against the lot or parcel of land which said extension adjoins and shall be certified to the county assessor to be entered on the tax roll and collected by the county treasurer as other town taxes are collected.
- F. Violation; Penalty: Any person, firm or corporation violating any of the provisions of this section shall, in addition to the other penalties provided herein, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 174, 6-7-1920; amd. 2003 Code)

3-3-3: REMOVAL REQUIRED:

It shall be the duty of the owner, occupant or agent, having control of any lot or premises, to mow and maintain to a height not greater than six inches (6") or otherwise destroy and remove all weeds located on the premises and all weeds

located between a property owner's property line and any street travelway, and further, to mow and maintain to a height not greater than six inches (6") or otherwise destroy and remove weeds between the owner's property line and the alley travelway. (Ord. 472, 2-6-1989; amd. Ord. 549, 8-7-2006)

3-3-4: ENFORCEMENT; NOTICE TO REMOVE:

It shall be the duty of the compliance officer appointed by the governing body to require compliance with this chapter. The owner, agent or occupant of any premises shall be held liable for such compliance; and if such person shall refuse or fail to destroy and remove any weeds upon any premises under his care and control, he shall be served with verbal or written notice requiring removal of such weeds within three (3) days from the receipt of such notice. (Ord. 472, 2-6-1989)

3-3-5: REMOVAL BY TOWN; FAILURE TO PAY BILL:

Upon failure to comply with any notice given pursuant to section 3-3-4 of this chapter, the town may have such weeds destroyed and removed, charging the cost thereof as a special bill for refuse removal. Should such bill not be paid promptly, the same shall become a lien against such property in double the amount due, and collectible as such. (Ord. 472, 2-6-1989)

3-3-6: PENALTY:

Any person responsible for such failure to comply with the provisions of this chapter shall be punished as provided in section 1-4-1 of this code; provided, that the imposition of such fine shall not bar institution or appropriate legal action or proceedings by the town to restrain, correct, or abate the violation, nor shall the institution of such legal action or proceedings be deemed a bar to the imposition of such fine. (Ord. 472, 2-6-1989; amd. 2003 Code)

CHAPTER 4

PROPANE TANKS

SECTION:

- 3-4-1: Notification
- 3-4-2: Inspection
- 3-4-3: Building Permit
- 3-4-4: Liquid Withdrawal Hoses
- 3-4-5: Corrective Action
- 3-4-6: Penalty

3-4-1: NOTIFICATION:

All current or future residential owners or renters of propane tanks, which are larger in weight than one hundred (100) pounds, must notify the town of Basin office as to where the tank is or will be located. All such propane tanks shall be located on the owner's property. (Ord. 551, 2-5-2007)

3-4-2: INSPECTION:

All owners or renters of propane tanks requiring notification to the town of Basin must provide an annual letter of inspection or certification from a licensed professional who either rents or sells propane tanks or from a licensed dealer who fills propane tanks; the letter or certification must meet the requirements as provided by local, state, and federal laws governing tanks within municipalities. (Ord. 551, 2-5-2007)

3-4-3: BUILDING PERMIT:

Before any propane tank is installed on a resident's property within the town of Basin, a building permit shall be obtained from the town of Basin. (Ord. 551, 2-5-2007)

3-4-4: LIQUID WITHDRAWAL HOSES:

Liquid withdrawal hoses shall not be placed on any propane tank covered by this chapter within the town of Basin. (Ord. 551, 2-5-2007)

3-4-5

3-4-6

3-4-5: CORRECTIVE ACTION:

Corrective action must be taken by the propane tank owner or renter within thirty (30) days after notification that they are out of compliance with this chapter. (Ord. 551, 2-5-2007)

3-4-6: PENALTY:

Failure to comply with this chapter after notification that the propane tank owner or renter is out of compliance, and after they have been given thirty (30) days to comply, may result in a fine of up to seven hundred fifty dollars (\$750.00). (Ord. 551, 2-5-2007)