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Department of Planning and Zoning

NOTICE OF INTENT TO AMEND CHAPTER 7, CAMPBELL COUNTY ZONING REGULATIONS AND ADOPT A RESOLUTION ESTABLISHING NUISANCE REGULATIONS

PEASE TAKE NOTICE that the Board of Campbell County Commissioners hereby gives notice of its intent to adopt amendments to the Chapter 7, Campbell County Zoning Regulations in accordance with W.S.S. 16-3-103.

A copy of the proposed amendments to the referenced regulations are available at the Department of Public Works, Campbell County Courthouse, 500 S. Gillette Ave., Ste. 1400, Gillette, Wyoming 82716 or may be viewed on the county website at www.ccgov.net/publicworks. Any interested person may present their views regarding this intended action by submitting written comments to the Board no later than 5 p.m. on the 28th day of June, 2019 by delivering your comments to the address listed above via United States mail or by hand delivery.

The proposed amendments to Chapter 7 include revisions to the definitions, revisions to certain setback provisions and accessory use regulations. In addition, the current Nuisance Regulations are proposed to be removed from Chapter 7 and be codified by resolution. There have been no substantial changes to the proposed Nuisance Regulations as they currently exist within Chapter 7.

Any person wishing to present their views orally may attend a public hearing scheduled for July 2, 2019 at 10:30 a.m. in the Campbell County Courthouse, Commissioner's Chambers, 500 S. Gillette Ave., Gillette, Wyoming.

Following the time allotted for public comment and the public hearing, the Board intends to take official action regarding the adoption of the proposed amendments at their regularly scheduled meeting on July 2, 2019.

Dated this 7th day of May 2019.

**SUSAN SAUNDERS
CAMPBELL COUNTY CLERK**

By: Susan Saunders

Publish: May 21, June 5 & 18

RESOLUTION NO. ____
OF
CAMPBELL COUNTY, WYOMING

A RESOLUTION ADOPTING
CHAPTER TEN
NUISANCE REGULATIONS

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

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

Section 1. General

- (a) A site, property, tract, lot, building grounds, area or other property may be declared a nuisance by the Board of County Commissioners in conformance with Wyoming Statute §18-2-101 et. seq. if a nuisance, as listed in Section 3 of the resolution exists on said site, property, tract, lot, building grounds, area or other property. It shall be unlawful for any person to maintain or permit the existence of any nuisance upon property within the boundaries of Campbell County, Wyoming.
- (b) The Board of Campbell County Commissioners authorize and designate the Campbell County Planner & Zoning Administrator to investigate and determine the existence of a nuisance **and to issue orders on behalf of the Board of County Commissioners as provided for and in conformance with W.S. 18-2-101(a)(viii) and W.S. 18-2-115.**

Section 2. Definitions

- (a) "Nuisance" means any use or nonuse of property, real or personal, which poses a threat to the life, health, safety, or welfare of the citizens of Campbell County or which is otherwise defined at common law, Wyoming State Statute, or herein.
- (b) "Screening or 'Screened'" means the method by which the view from one property to another property is substantially shielded, concealed or hidden. Screening techniques include solid fences, walls, hedges, berms, or other approved features. No salvage items shall be used as a method of screening.
- (c) "Accumulation" means massing or storing of material, debris, matter or waste in a manner that exceeds quantities that would commonly be

considered reasonable or are significantly inconsistent with surrounding properties and like uses.

- (d) "Vehicle" as defined by Wyoming Statute under Title 31.

Section 3. Nuisances

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

- (a) The outside storage, keeping, or maintenance of **more than three (3)** inoperative and/or unlicensed vehicles, excepting those that are in conformance with the regulations of a specific zoning district;
- (b) Any building or structure (as well as fencing and screening) shall be considered a nuisance when, for want of repair, dilapidated, defective, or other hazardous condition produces an imminent endangerment to the public health or safety;
- (c) The maintenance or harboring of farm animals, livestock, or domestic animals in an unsanitary manner than creates human health hazards;
- (d) The accumulation of animal manure, animal feces, and waste products that allow for breeding and propagation of insects and/or rodents, or runoff of surface water from areas deposits animal manure or waste products onto adjacent or nearby properties or into water drainages and does not meet EPA Livestock Manure Handling regulations;
- (e) Containing or discharging runoff of water containing pollutants or foul-smelling substances that may be offensive to human senses;
- (f) Diverting of runoff and drainage or causing standing water in a manner than adversely affects neighboring properties;
- (g) Destabilizing of the ground surface in a manner that causes dust or other airborne matter which is offensive or dangerous to the health or safety of the public;
- (h) Discharging septic system/sewage effluent onto the ground or into waterways;
- (i) Causing or allowing the effluent from any cesspool septic tank, drain field, or sewage disposal system to discharge upon the surface of the ground;
- (j) Maintaining weed growth or debris which, by its presence or manner of storage, presents a clear threat to public health or safety;
- (k) Maintaining the presences of insect vector or rodent harborages;
- (l) The accumulation of materials, debris, garbage, waste recyclables, or other scrap or junk material such as, but not limited to:
 - (i) Combustible materials such as paper litter, cardboard or paper piles, piles of weeds or shrubbery trimmings, piles of wood, straw,

hay, grass, etc., which by reason of its presence or manner of storage creates a potential fire hazard or allows for insect and/or rodent propagation;

- (ii) Any waste petroleum or other chemical product (solid or liquid) or solid waste (rubbish) of any kind, which by reason of its presence or manner of storage, could contaminate surface or ground water or could inflict harm to the public directly by evaporation to the gaseous state, by burning or direct physical contact, or indirectly by harboring vermin;
 - (iii) Commercial or household: appliances (washers, dryers, water heaters, refrigerators, etc.), equipment (tools, manufacturing equipment, metal products, construction equipment or materials, etc.), machinery, vehicles, vehicle parts, tires or similar items which, by reason of its presence or manner of storage presents a danger to the public or regulatory agencies from collapse, fire, entrapment, burning, or harboring of dangerous chemicals, or vermin harboring;
 - (iv) Household or commercial building parts and fixtures such as furniture, counters, tables, flooring, foundations and wall materials, roofing materials, electrical parts, mechanical system parts, etc., which by its presence or manner of storage presents a danger to the public or regulatory agencies from collapse, fire, entrapment, burning, or harboring of dangerous chemical or vermin.
- (m) Allowing any discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health;
 - (n) Any chemical and/or biological material that is stored, used, or disposed of in such quantity or manner that creates a public health hazard;
 - (o) Any condition or situation which renders a structure or any part thereof unsanitary, unhealthy, or unfit for human habitation, occupancy, or use or renders any property unsanitary or unhealthy;
 - (p) Failure to keep material, debris, waste, refuse, or garbage in a closed container designed for such purposes;
 - (q) Burning garbage, weeds, and other debris in a manner that is offensive or dangerous to the health and safety of the public;
 - (r) The depositing, placing, creating, or dumping of any putrid or decayed animal or vegetable matter, liquid, chemical, solid waste, refuse, or garbage in a public or private place to create a potential health hazard.

Section 4. Exceptions

The following exceptions shall not be considered nuisances:

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

- (i) Antique or historic motor vehicles, as defined by W.S. Section 31-1101(a)(xv)(A) and screened as defined in this section;
 - (ii) Vehicles kept in an enclosed garage or storage building;
 - (iii) Vehicles used for educational or instructional purposes by a proprietary school licensed in Wyoming and screened as defined in this section;
 - (iv) Vehicles kept by licensed establishments and authorized storage yards and screened as defined in this section;
 - (v) Vehicles and equipment relevant to the operation of farms and ranches and screened as defined in this section.
- (b) Retention of farm products, supplies, equipment and reusable materials in A-L (Agriculture) zoning districts, as long as such items and materials are kept in such a manner that would not constitute a threat to public health or safety or rights afforded farm and ranch operations under the Wyoming Right to Farm and Ranch Act.
 - (c) An industrial facility properly permitted.
 - (d) Oil, gas or mining operations necessary to the extraction, production or exploration of mineral resources.

Section 5. Violations & Penalties

- (a) Whoever fails to comply with a final order issued in accordance with W.S. 18-2-115 shall be assessed a civil penalty of up to one hundred dollars (\$100) per day for each day the violation occurs.
- (b) Violations of the foregoing provisions may be enforced through any method authorized for enforcement through the provisions of Wyoming Statutes §18-2-101(a)(viii) and 18-2-115. Such remedies may include injunction, mandamus or other form of judicial action and any other applicable method under law including but not limited to criminal citations. The selection of one remedy for enforcement shall not prohibit the implementation of any other remedies available under law. All remedies available may be used individually or cumulatively.

RESOLVED this ___ day of _____, 2019
BOARD OF COUNTY COMMISSIONERS
CAMPBELL COUNTY, WY

Rusty Bell, Chairman

Mark A. Christensen

DG Reardon

Del Shelstad

Bob Maul

Attest: Susan F. Saunders, County Clerk