

RESOLUTION NO. 2010-10
NUISANCE RESOLUTION

WHEREAS, the Carbon 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 County citizens and to promote and encourage the maintenance of properties within Carbon County. This resolution shall not regulate any permitted industrial facility, to include junk dealers as described at Wyoming Statute § 33-18-101 *et. seq.* and properly permitted under Wyoming Department of Regulations or County Zoning Resolutions, or oil and gas or mining operations necessary to the extraction, production or exploration of the mineral resources nor shall this resolution be construed to impair or modify any rights afforded to farm or ranch operations pursuant to the Wyoming Right to Farm and Ranch Act, and as amended.

Section 1. Definitions as used herein.

(a) Nuisance: Any use or non-use of property, which presents a clear and definable threat to the life, health, safety or welfare of Carbon County citizens or which is otherwise defined at common law, Wyoming State Statute, or herein.

(b) Screening: 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, significant setback or other County approved features.

(c) Accumulation: 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) Toxic material: Material that is listed by OSHA as a hazardous substance where exposure to said substance is greater than permitted by OSHA.

(e) Hazardous material: a substance or material that has been designated as hazardous under section 5103 of Federal hazardous materials transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous under Hazardous Materials Regulations 49 CFR Parts 100-185 and/or Protection of the Environment 40 CFR Parts 1-766.

(f) Primary Property or Source: The main and significant property, area, spot or source from which a nuisance originates.

(g) Vehicle: as defined by Wyoming Statute under Title 31.

Section 2. 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 2 (c) of this Resolution exists on said site, property, tract, lot, building grounds, area or other property.

(b) The Board of Carbon County Commissioners authorizes and designates the Carbon County Planning and Development Director to investigate and determine the existence of a nuisance and to make recommendations to the Commissioners concerning a property being a nuisance.

(c) The following may be declared a nuisance by the Board of Carbon County Commissioners:

(1) Failure to keep material, debris, waste, refuse or garbage properly contained;

(2) The outside, unscreened storage or keeping of four or more inoperable and unregistered vehicles;

(3) The unscreened and/or unlicensed accumulation of materials, debris, waste recyclables, or other scrap or junk material;

(4) The active or passive discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health from a primary property or source;

(5) The active or passive contamination of any well, cistern, stream, lake, groundwater, or other body of water by sewage, waste or other materials or substances from a primary property or source;

(6) Accumulation of decayed or decaying matter, trash, rubbish, garbage or any substance which is demonstrated and determined to be a health hazard;

(7) Storage, use or disposal of hazardous material, in such quantity or manner that creates a public health hazard;

(8) Any condition or situation which renders a structure designed and constructed for human habitation or any part thereof unsanitary, unhealthy or unfit for human habitation, occupancy or use, or renders any property unsanitary or unhealthy;

(d) Violations of the foregoing provisions may be enforced through any method authorized for enforcement through the provisions of Wyoming Statute § 18-2-101 *et. seq.* or the Carbon County Zoning Resolutions. 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.

Approved this 16 day of March, 2010.

-s- Terry Weickum, Chairman

-s- Jerry Paxton

-s- Charles C. Young, M.D.

Attest:

-s- Gwynn G. Bartlett, County Clerk