

ORDINANCE 1193

AN ORDINANCE AMENDING SECTIONS
OF THE LANDER CITY CODES
REMOVING CERTAIN STIPULATED FINES AND BONDS AND
ADDING REFERENCE TO THE
LANDER MUNICIPAL COURT BOND SCHEDULE
AND THE CITY OF LANDER FEE SCHEDULE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LANDER,
FREMONT COUNTY, WYOMING:

SECTION 1: The Lander City Code is hereby amended to read as follows:

1-2-1. Violation of Ordinances. Violations of the Municipal Code of the City of Lander are misdemeanors or unless otherwise stated, upon conviction shall be punishable by a maximum fine of \$750.00 or imprisonment for not more than six months. Forfeitable bonds will be as set forth in with the Lander Municipal Court Bond Schedule as adopted from time to time.

1-2-2. Court Costs. - Court costs in accordance with the City of Lander Fee Schedule or as otherwise adopted by court rule may be imposed in addition to any fine or imprisonment for the violation of any ordinance.

2-1-4. Fee Upon Transfer of License - Upon approval by the Lander City Council of a transfer of license to either a different location or different licensee, fees shall be paid prior to the transfer becoming effective as stated in the City of Lander Fee Schedule.

2-2-5. Fees. - Fees for alcoholic beverage licenses shall be as stated in the City of Lander Fee Schedule.

2-2-14. Permit for Additional Dispensing Room. - The City Council may issue a 24 hour permit to any licensee authorizing the sale of alcoholic or malt beverages in one additional dispensing room in the same building for a 24 hour period only. No one licensee shall be issued more than six permits in any one year period. The fee for the permit shall be as stated in the City of Lander Fee Schedule.

2-2-19. Same; Limits. - Permittees shall not apply for a temporary malt beverage permit more than 45 days prior to its use. Fees shall be as stated in the City of Lander Fee Schedule.

2-2-20. Repealed

2-3-1. Microbrewery and Winery Permits -

(b) **Application and Issuance of Microbrewery Permit & Winery Permits** - Any person desiring a permit for the operation of a microbrewery or winery in accordance with the requirements of W.S. §12-4-412 shall apply to the City Clerk on forms prepared by the Wyoming Attorney General and in accordance with the applicable statutes of the State of Wyoming and not otherwise. The amount of the fee to be paid for a microbrewery permit shall be as stated in the City of Lander Fee Schedule. Said permit shall be renewed annually as other liquor licenses provided for hereunder.

2-5-1. Bar and Grill License -

- a) The City, upon application and after public hearing, may authorize the issuance of a Bar and Grill Liquor License to a restaurant pursuant to Section 12-4-413(a) of Wyoming Statutes as such section may be amended from time to time.
- b) Any person desiring a Bar and Grill Liquor License shall file with the town clerk an application with the required supporting documentation and payment of the applicable fee.

3-1-5. Mobile Home, Manufactured Home and Modular Building Placement Permits -

- (a) No person shall set up, locate, or replace a mobile home, manufactured home or modular building, as defined in Section 3-1-3 and 3-1-4, on private land in the City, or cause the same to be done, without first obtaining a permit from the proper administrative authority. An applicant for a permit shall provide the administrative authority with such written information as the authority may require to fulfill his duty to enforce any applicable codes or standards. Fees shall be according to the City of Lander Fee Schedule.

4-4-2 Violations to the Zoning Ordinance -

- (d) Persons or corporations convicted of violations of this ordinance shall be fined in accordance with the Lander Municipal Court Bond Schedule. Each day of a continuing violation of this Title shall be deemed a separate offense.

5-2-5. Sidewalk Construction or Repair; Permit Fee. - The fee for a permit issued under this Chapter shall be according to the City of Lander Fee Schedule.

6-2-1. Dog License Required. -

(a) No person shall own or keep a dog in the City of Lander without a license issued by the City.

(b) Dog licenses shall be issued by the Police Department for a period of two years from the date the license is issued upon proof of a current and valid certificate subscribed by a licensed veterinarian that the dog has been vaccinated against rabies, and that such vaccination shall remain effective through the term of the license. Fees shall be according to the City of Lander Fee Schedule.

(c) Repealed.

6-4-4 Penalties for Animals At Large – Penalties shall be assessed in accordance with the Lander Municipal Court Bond Schedule.

6-4-5 Keeping Large Animals. –

(e) Applications for permits shall be filed with the City Clerk. Fees shall be according to the City of Lander Fee Schedule. The City of Lander Animal Control Officer will investigate the application and report to the City Council. The application for pasturing of large animals must contain a letter from a veterinarian as to the capabilities of the pasture in sustaining the number of livestock to be pastured and a copy of the lease and/or letter of permission to keep livestock in the pasture. The City Council may accept or refuse the application upon its discretion. Licenses and permits may be revoked by the City Council without a hearing upon three day's notice to the permit holder.

7-10-2. Tobacco Products - Prohibited Sales or Delivery.

b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine in accordance with the Lander Municipal Court Bond Schedule.

7-10-3. Tobacco Products - Posted Notice Required; Location of Vending Machines.

c) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable in accordance with the Lander Municipal Court Bond Schedule. Each day of continued violation shall be deemed a separate offense.

7-10-4. Tobacco Products - Purchase by Minors Prohibited.

a) No person under the age of eighteen (18) years shall purchase tobacco products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing tobacco products.

b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine in accordance with the Lander Municipal Court Bond Schedule. Upon a conviction for violation of subsection (a) of this section, the court may allow the defendant to perform community service and be granted credit against this fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed.

7-10-5. Possession or Use by Minors Prohibited.

b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine in accordance with the Lander Municipal Court Bond Schedule. Upon a conviction for violation of subsection (a) of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs.

7-10-6 Smoking Prohibited in Certain City-Owned Facilities and Penalties for Violation

(b) Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor, punishable in accordance with the Lander Municipal Court Bond Schedule.

7-11-1 Supplemental Feeding of Certain Wild Animals Prohibited

D. Penalty. Any person who violates this section, upon conviction in accordance with the Lander Municipal Court Bond Schedule, together with the costs of prosecution. A separate offense shall be deemed committed on each day or a part of each day during which a violation occurs or continues. This paragraph does not preclude the city from taking any appropriate action to abate, prevent or remedy a violation of any provision of this section.

8-7-1. Penalty. -

(a) Any person who violates any provisions of this chapter, Sections 8-7-1 through 8-7-10, is guilty of a misdemeanor and upon conviction are punishable in accordance with the Lander Municipal Court Bond Schedule.

8-11-1. Failure to Maintain Liability Coverage; Penalties; Exception.

a) No owner of a motor vehicle required to be registered shall operate or permit the operation of his motor vehicle without having in full force and effect a motor vehicle liability policy in amounts provided by W.S. 31-9-405(b) or a bond in amounts provided by W.S. 31-9-102(a)(xi). Violation of this subsection is a misdemeanor in accordance with the Lander Municipal Court Bond Schedule. Excusable neglect or mistake by another is a defense for any violation of this subsection. If evidence of excusable neglect or mistake by another is presented and the defendant is convicted, the court may consider this evidence in imposing a penalty under this subsection. The judge may suspend part or all of the sentence under this subsection and place the defendant on probation subject to conditions imposed by the judge which may include a condition that the defendant shall deliver the registration and license plates of the vehicle involved to the Fremont County Treasurer. This subsection does not apply to a vehicle owned by a nonresident and registered in a state requiring insurance if a vehicle insurance policy meeting requirements of the laws and regulations of that state is in effect or unless it otherwise complies with the laws of that state concerning compulsory financial responsibility. A vehicle owned by a nonresident and registered in a state not requiring insurance is exempt from this subsection.

11-4-2. Same; Removal Costs to be Assessed to Owner or Occupant.

SECTION 7: Any person found guilty of violating the provisions of this ordinance in accordance with the Lander Municipal Court Bond Schedule.

11-7-6. Permits Required. -

(a) A solar permit shall be granted only after an application for solar access permit has been submitted to the Department of Planning. A permit application for a solar right shall consist of the following information:

1. a completed Solar Rights Access Permit application;
2. Fee shall be according to the City of Lander Fee Schedule.

11-9-11. Arborists License and Bond. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing Public Community Forest or Private Community Forest Trees within the City without first applying for and procuring a license. Prior to obtaining a license they must show certification from the International Society of Arboriculture. Proof of such certification shall be filed with the City. Existing license holders without ISA certification must show proof of certification upon next renewal. Unlicensed persons may work for a company that has a licensed person on staff or in the company. Arborist shall adhere to ANSI A300 COMMON PRUNING PERFORMANCE STANDARDS and refrain from unsound trimming practices, such as stubbing or topping trees. Unsound practices are subject to review by the City Urban Forest Council and the Community Forest Manager. Suspension or revocation of an arborist's license is possible.

Fees shall be according to the City of Lander Fee Schedule in advance, provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any such license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

11-10-3. Historic Vehicle Collection - Review Standards and Condition -

6) That no portion of an Historic Vehicle Collection is located within five (5) feet of any building or structure or within any required yard area, unless otherwise permitted by the Building Inspector, together with the payment of an annual fee which shall be according to the City of Lander Fee Schedule; and

11-10-4. Removal of Vehicles, Costs of Removal, Sale and Appeal Procedure

h) Redemption of Impounded Vehicles - The owner of any vehicle seized under the provisions of this ordinance may redeem such motor vehicle at any time after its removal but prior to the sale or destruction thereof upon proof of ownership and payment to the City Treasurer of such sum as he may determine and fix for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, plus storage fees for each motor vehicle redeemed according to the City of Lander Fee Schedule.

12-2-7. Municipal Judge. - The Municipal Judge shall give a bond to the City of Lander in the amount of \$10,000 conditioned on the lawful performance of his duties.

13-2-3. Amusement; License Fees. - Fees shall be according to the City of Lander Fee Schedule.

13-3-2. Auctioneer; Fee. - The fee shall be according to the City of Lander Fee Schedule.

13-4-4. Pawnbroker License - Fee. The annual fee for each such license shall according to the City of Lander Fee Schedule. No license shall be issued for uses for more than one (1) year. Fees are not prorated for new licenses that begin mid-year.

D. No license issued under this Chapter shall be transferable from one person to another, but it may be transferred from one location to another by consent of the city council on payment of a fee according to the City of Lander Fee Schedule.

13-4-16. Violation - Penalties.

- A. Any person found guilty of violating any provision of this Chapter, either by doing a prohibited act or by failing to do or perform a required act shall be fined in accordance with the Lander Municipal Court Bond Schedule, in addition to which the license of any such person shall be revoked.

13-6-4. Electrician; Fees. - The fee for each electrical license issued shall be according to the City of Lander Fee Schedule.

13-7-5. Plumber; License Fees. - The fee for licenses issued under this Chapter shall be according to the City of Lander Fee Schedule.

13-8-1. Building Contractors. - It shall be unlawful for any person or contractor to build, erect, construct, alter, add to, repair or demolish any building or structure for compensation within the City without first having obtained a license therefore. However, no person performing building work on property which such person owns in whole or in part and in which such person actually resides and which is occupied only by such owner's immediate family shall be required to be licensed to perform such work on such property, except as provided in Section 13-8-3(e) below. However, any contractor, subcontractor or builder working under a licensed general contractor within the city limits will not need to be licensed with the City of Lander. Any contractor, subcontractor or builder working under the general contractor will however need to be registered with the City of Lander and pay the registration fee according to the City of Lander Fee Schedule prior to commencing any work activity. The licensed general contractor will be responsible for all work performed on the project.

13-8-4. The license fee applicable to those classes numerated in Section 13-9-3 shall be according to the City of Lander Fee Schedule.

13-9-2. Waste Hauling Contractor; License Fees. - The fee for a license under this Chapter shall be according to the City of Lander Fee Schedule.

13-10-1. Refrigeration Repair Work. -

- (b) The fee for each refrigeration license shall be according to the City of Lander Fee Schedule. The annual fee shall be paid on or before June 30th of each calendar year.

All licenses, except licenses that have been canceled or revoked, may be renewed from year to year upon request and payment of the required fee. If renewal is requested and the fee paid prior to expiration of the license, the renewal fee shall be the same as the license fee. If a renewal is requested and the required fee paid after June 30 of each year, then the initial license fee will apply. No license will be renewed after June 30 of each year without paying the required fees. The initial year shall be from the time the license is granted to June 30th of the first year. The license fee for the initial year if not a full year shall be prorated on a quarterly rate of the annual fee.

13-11-4. HVAC; Fees. - The fee for each HVAC mechanic license issued shall be according to the City of Lander Fee.

13-12-1. Street and Alley Excavations – Permits - Fees shall be in accordance with the City of Lander Fee Schedule.

SECTION 2: This ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PASSED ON FIRST READING October 6, 2015

PASSED ON SECOND READING October 13, 2015

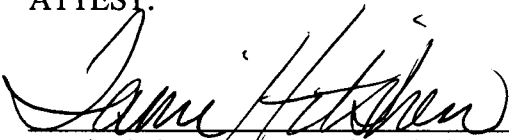
PASSED ON THIRD READING November 10, 2015

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the 15th day of November, 2015.

THE CITY OF LANDER
A Municipal Corporation

By 
Del McOmie, Mayor

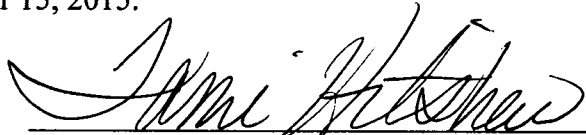
ATTEST:


Tami Hitshe, Deputy City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that on November 10, 2015, following passage, adoption and approval of Ordinance 1193, Del McOmie, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being November 15, 2015.


Tami Hitshe, Deputy City Clerk